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SUPREME COURT, U.S.

81-5164

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

No.

ALFRED M. STRICKLAND

Appellant

v.

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES

Appellee

ON APPEAL FROM THE

COURT OF APPEALS OF MARYLAND

JURISDICTIONAL STATEMENT

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QUESTIONS PRESENTED

The questions presented by this appeal involve the most basic elements and principles of fair play, justice, due process and equal protection of the laws guaranteed by the United States Constitution. Also involved is the question of constitutionality of rules of procedure when used in such a manner that they deny an individual his right to a fair trial or appellate review.

1. Is it a violation of due process of law when a govermental agency makes demands of a private individual which interfere with his First Amendment right to freedom of speech and freedom of association, while refusing to inform him of the claim or charges against him and refusing him the opportunity to prove the claims or charges untrue?

2. Is it a violation of due process when a governmental agency refuses an individual due process in and by that agency, as in question 1, and instead brings a court action against him?

3. Is it a violation of due process when, after being summoned and appearing in court at the designated time, the defendant is tried in absentia, forced to wait in the corridor while the State's side is heard, the testimony being completely outside the pleadings, the defendant isn't even told what the testimony against him was, when he is given no opportunity whatever to defend himself, to be heard and, of course, no opportunity whatever to prove his innocence?

4. Is any judgement, decree, sentence, or court order which issues from such a proceeding as in question 3 void, a mere nullity, legally unenforcable, which can just be ignored?

5. Is a conviction for contempt of court, which is based on a void and legally unenforcable court order, void, a mere nullity, legally unenforcable, which can be ignored?

6. Is a trial which is designed and orchestrated by the attorneys for the state with but one purpose in mind, to inflame and prejudice the judge against the defendant and have him found guilty before he steps on the witness stand, a violation of due process and equal protection of the laws, the tactics including perjured testimony and failure to correct a gross misinterpretation of important evidence?

7. Is it a violation of due process and equal protection of the laws when the rules of procedure are used by the state for the purpose of denying the defendant his right to a fair trial and/or his right to appellate review, such denial being based on no least consideration concerning the merits?

8. Are rules of procedure unconstitutional when the invidiously discriminate against one who is unable to afford an attorney and is forced to act pro se, denying him the right to appellate review?

9. Are the rules of procedure unconstitutional when used in such a manner as to invidiously discriminate against anyone, or against any class, regardless of the cause of that discrimination.

10. Is a judgement, conviction, decree or court order issuing from such a proceeding as in question 6 void, a mere nullity, legally unenforcable, and can it be just ignored?

11. Is it a violation of due process and equal protection when the state brings its power and might to bear on a hapless citizen without the means to defend himself, without providing that citizen the means for an adequate defense, and <u>that</u>, regardless of the magnitude and/or nature of his cause?

12. Is it a violation of the ban on deprivation of property without due process when the state's violation and denial of an individual's right to due process and equal protection causes great financial costs and loss of time, because of that violation and denial of due process and equal protection?

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PREAMBLE
UNITED STATES CONSTITUTION

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.

EXCERPT
DECLARATION OF INDEPENDENCE

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are created among men . . .

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TO THE SUPREME COURT OF THE UNITED STATES:

FOREWORD

I am a layman, appealing pro se, and will ask that I be allowed to proceed in forma pauperis.

For two years I have sought justice from the State and Courts of Maryland. During these two years, my legal and constitutional rights have been violated and denied me as surely as though they had never existed. The tactics used against me by the Baltimore City Law Department have violated every element, principle and concept of fair play, justice and due process. Their tactics have ranged from the introduction of immaterial and irrelevant testimony to perjury and the most barefaced and outrageous lies as to law and fact and, in every instance, regardless of the merits of my cause, the courts have ignored those tactics and ruled against me.

For instance, in an action I had in the Circuit Court of Baltimore City, brought under the Maryland Public Information Act, the Baltimore City Law Department filed a motion for summary judgement. The claims they made in support of that motion were outright lies as to both law and fact. They made claims that there had been a hearing on the merits on counterclaims that I had previously brought under that Act, that I had had an opportunity to present testimony and evidence, that I was required to prove that I had a right to access to that information and that there had been a final judgement against me and that res judicata applied.

The truth is that, while I had filed counterclaims, they had been dismissed out of hand with no hearing whatever. I didn't know then, but I know now that the judge had no authority whatever to

dismiss my counterclaims without reason. Furthermore, the Act specifically states that the burden of proof in on the defendant Governmental entity, not the plaintiff, as the Baltimore City Law Department claimed. Although, by no stretch of the imagination was there even the least basis for res judicata, they got a dismissal with prejudice. That has nothing to do with this appeal, but it is to show the magnitude of my problem in obtaining justice from the Maryland courts. I will include the appropriate pleadings with this appeal.

I feel certain that the enmity of the Baltimore City Law Department and my inability to obtain justice in the Maryland courts can be accounted for by the following.

I am just an ordinary citizen. My financial resources were small when this began — they are far worse now and I am many thousands of dollars in debt. Because of my limited financial resources and the great expense of retaining a lawyer, I have, for the most part, been forced to act pro se.

I am not the type to roll over and play dead when I am attacked by a bully. I never learned the word quit, and I despise injustice, whether it is directed toward me or toward another.

Because, for the most part, I have been unable to afford a lawyer, I have spent many hundreds of hours studying law and doing legal research in order to defend myself against the state and, while I couldn't pass as a lawyer and am lost in form and procedure, with sufficient effort, I can find the law and when I do find it, I know what it says and what it means.

I have an excellent knowledge of psychology and human nature and there can be but little doubt but that a large part of the Baltimore City Law Department, rather said Department's members animosity toward me can be accounted for by the fact that they would find it intolerable to be beaten at their own game by a layman, that they will go to any lengths to prevent such an eventuality. Also, I have had no hesitation in telling them and

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the courts what I thought of their tactics against me.

I have also found that, instead of giving me credit for what I have been able to do with the law, for the hundreds of hours of time and effort I have spent learning and researching the law, lawyers and judges consider it the epitome of presumption that a layman should presume to know and dispute the law, and that it only arouses resentment and antagonism.

The merits of my cause carries no weight whatever. The fact that, because of what the state has done to me, I have lost every friend whom I once had and even my one son, that I am sixty years old and, now, many thousands of dollars in debt and that I have lost everything that once made life worth living, means nothing whatever to them. And even my job is gone.

Even in the United States District Court where I had brought suit, pro se, being unable to afford a lawyer, or find one to represent me, the judge was angered that I should dispute points of law, and sneered at me, because I was unable to give a positive answer to a point of law. And, although there can be no question whatever but that due process and equal protection has been denied me at every step of the way, he denied that due process and equal protection had been violated and dismissed my suit.

I have come into this Court asking for the justice which has been so surely denied me in the Maryland Courts. I only ask that which is mine, which is guaranteed to me by the United States Constitution.

Being a layman, acting pro se, I find the Rules extremely confusing and have but little conception of what should, or should not, be included in the various components such as the statement of the case. I can only tell what happened and the appropriate law.

Whatever the reason, whether my belief as to the reason is right or wrong, It is impossible for me to obtain justice in Maryland courts. If the Baltimore City Law Department claimed snow was black and coal white, the courts would rule in their favor.

OPINIONS BELOW

There were no opinions below.

JURISDICTION

This is an appeal from a conviction for contempt of court in the Circuit Court of Baltimore City September 10, 1980, a court order issued September 25, 1980, certiorari denied by the Court of Appeals of Maryland April 6, 1981.

The jurisdiction of this court is invoked under 28 U. S. C. §§ 2101 (c) and 1257 (2). The constitutional questions are several, some going to the very roots of the administration of justice, due process and equal protection of the laws.

This appeal involves total denial of due process and equal protection of the laws in every proceeding and every instance over the past two years. Notice of appeal filed with jurisdictional statement.

CONSTITUTIONAL PROVISIONS
RULE OF PROCEDURE

United States Constitution, 1st, 5th and 14th Amendments.

Congress shall make no laws respecting . . . abridging the freedom of speech . . . the right of the people peaceably to assemble . . .

No person shall . . . be deprived of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Maryland Rule of Procedure, 1035 b. On Motion. On motion filed by any party, an appeal may be dismissed for any one of the following reasons: 7. The style, contents, format, legibility or method of reproduction of a brief, appendix or printed record extract does not comply with Rule 1031 (Style and Contents of Brief).

STATEMENT OF THE CASE

Being a layman acting pro se, I have little idea of what should be said here. I can only tell what happened.

It began In July 1979 when I began to receive demands from Appellee that I stay away from a young girl I had befriended, Miss Shirley Richards. In spite of repeated requests and demends that they rell me their reasons and give the the opportunity to prove they were false, that that was my right under the Maryland Public Information Act and the due process clause of the Fourteenth Amendment, I received only the curtest of refusals with threats of court action.

Those demands with the refusal to tell me the reasons and give me the opportunity to prove them false was an arbitrary attempt to interfere with my First Amendment rights to freedom of speech and association and denial of due process. And liberty.

On November 2, 1979 Appellee filed suit against me in the Circuit Court of Baltimore City alleging interference with the custody of a minor. Rather than be forced to wait, perhaps several months longer,for a trial, I agreed to a hearing in judge's chambers with the belief that , although it would be more informal than a trial, I would be accorded all elements of due process.

I appeared in court on the designated day, May 20, 1980 with my lawyer and witnesses, prepared to defend myself and prove my innocence. However, I was given no chance whatsoever to be heard, to defend myself or prove my innocence. I was tried <u>in absentia</u>.

I, my witnesses and, I believe, my lawyer, were forced to wait in the corridor while the judge heard the state's side of the case. I wasn't even told what was said against me and didn't find out until I obtained a transcript of the testimony months later. The testimony against me consisted of the most blatant perjury and coerced testimony.

The judge had made his decision before he ever even saw me.

When I tried to say something, the judge cut me off and refused to listen to me. A court order was issued June 2, 1980 ordering me not to initiate contact with Miss Richards. There was no ban on her calling me. There was no ban on her asking me to visit her. There was no ban on me visiting her at her request.

I didn't know then, but I know now that that proceeding and court order were void, mere nullities for lack of due process. The court order wasn't worth the paper it was written on.

On June 2, I filed a motion, pro se, to reopen the case on grounds of total violation of due process. The Baltimore City Law Department filed a motion June 5, 1980, to strike my motion. My motion to reopen was ignored.

On July 22, 1980 Appellee filed a petition to have me held in contmpt of court. A show cause order was issued August 11, 1980 by the Circuit Court of Baltimore City.

The trial(?) was held September 10, 1980. It would be difficult to imagine a more vicious and unprincipled attack than the one launched against me by the Baltimore City Law Department. They threw every dirty book in the library at me. They used perjured testimony, immaterial and irrelevant testimony, hearsay, they introduced a letter which I had written stating in no uncertain terms that I had no intention of being blackmailed, in such a way as to make me appear to be some kind of nut or monster. The judge grossly misinterpreted that court order to have meant an absolute ban on contact between Miss Richards and myself. When my lawyer failed to correct that misinterpretation, it was the ethical and legal duty of the lawyer from the Baltimore City Law Department to do so, He deliberately said nothing.

That misinterpretation of that court order made it, in effect false evidence.

There can be no question but that the Baltimore City Law Department deliberately designed and orchestrated that proceeding with but one purpose in mind, to have me found guilty before I

stepped on the witness stand and they succeeded. As I was being called to the stand, the judge said, "You have caused far too much trouble already." I was, in effect, denied the right to be heard, because he had already judged me to be guilty, and nothing I could have said would have made any difference.

An order for appeal to the Court of Special Appeals of Maryland was entered on Octover 9, 1981. Because I was unable to afford a lawyer to handle my appeal, I was forced to do so myself, pro se, but was unable to meet the technical requirements for a brief. The Baltimore City Law Department filed a motion that my appeal be dismissed on the grounds that it did not comply sith the requirements of the rules of procedure, and my appeal was dismissed on those grounds. Neither the motion to dismiss nor the dismissal was concerned in any way at all with the merits of my appeal, but only with the fact that it did not comply with the technical requirements. The order of dismissal was entered on February 9, 1981.

I applied for certiorari to the Court of Appeals February 17, 1981. I made a specific plea to them that I was a layman, that there was no point in trying to comply with the technical requirements and asked them to judge my application on the merits.

The Baltimore City Law Department filed a motion to deny me certiorari on the grounds that review hadn't been shown to be desirable and in the public interest. On April 6, 1981, my application for certiorari was denied on those grounds.

In the Court of Appeals, I raised the issue of unconstitutionality of the rules of procedure when used merely for the purpose of denial to an individual of his right to appellate review. In both courts of appeals I had raised the questions of total lack of due process from the beginning of this affair and that the proceedings and orders were all nullities and legally unenforcable.

On December 3, 1980, I filed a motion to vacate the conviction for total lack of due process and to vacate the court order. The

Baltimore City Law Department filed a motion to strike. My motion to vacate was ignored.

I filed a petition for Habeas corpus in Baltimore City Court February 13, 1981. Nothing happens. It is ignored.
I filed a petition for injuntive relief in the United States District Court in Baltimore. The judge ruled that I had not been denied due process.

The Baltimore City Law Department filed the most barefaced and outrageous lies as to both law and fact to have my suit against Appellee in the Circuit Court of Baltimore City dismissed with prejudice, claiming res judicata, when there had never been any kind of hearing or judgement. The judge granted that dismissal with prejudice when Res judicata could not possibly have applied.

There can be no question whatever but that it is absolutely impossible for me to obtain justice in the Maryland Courts.

My lawyer was so incompetent that if it hadn't been contrary to reason, I would have sworn that he was in the pay of Appellee instead of mine.

ARGUMENT

In this case, every principle, concept and element of fair play, justice and due process have been violated and denied me from the very beginning, as surely as though my legal and constitutional rights had never existed.

It began with demands from Appellee that I stay away from Miss Shirley Richards, a minor child whom I had befriended. In spite of repeated requests and demands that it was my right under both the Maryland Public Information Act and the due process clause of the Fourteenth Amendment to know their reasons, the charges against me and to have the opportunity to prove them false, I received only the curtest of refusals, with threats of court action if I didn't stay away from Miss Richards.

The United States Constitution applies to the states through the Fourteenth Amendment. The First Amendment guarantees the right to freedom of speech and freedom of association. When a state interferes with fundamental rights guaranteed by the Constitution, the due process clause comes into play. Due process requires that when the actions of a governmental agency interfere with the fundamental rights guaranteed under the United States Constitution that he be informed of the claim or charges against him, that he be given an opportunity to be heard and to prove the claim or charges untrue, before being condemned to suffer grievous loss, especially where the charges are such that they involve his good name, reputation, honor or integrity. These demands and refusal of due process were arbitrary, in violation of my right to freedom of speech and freedom of association.

> ". . . . Given this historic background and design, the conclusion seems inescapable that the right to associate with others of one's choice at any time is one of the liberties protected by the fifth amendment.
>
> "While many rights of the individual, even — to some undefined but limited extent — those which come within the language of the Bill of Rights, may be overridden by statute if a clear necessity exists (citations omitted), it is axiomatic that no federal official may limit a person's

freedom without authority either clearly specified in a statute or plainly implied from constitutional or recognized common law sources. See, Aptheker v. Secretary of state, 378 U.S. 500, 518, 84 S.Ct. 1659, 1670, 12 L.Ed.2d 992 (1964) (Black J. concurring) ("neither the Secretary of State nor any other goverment agent can deny people in this country their right to liberty to travel or their liberty to do anything else except in accordance with the 'law of the land' as declared by the Constitution or by valid laws made pursuant to it.') Kent v. Dulles, 357 U.S. 116, 78 S.Ct. 1113, 2 L.Ed.2d 1204 (1958); (citations omitted).

. . . .

. . . .

". . . .'No right is held more sacred, or is more carefully guarded, by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority.')

. . . .

. . . .

". . . . When an agent of the IRS or any administrative body (emphasis added) acts on its own authority to set the individual's power to associate, this constitutes an invasion of the liberties guaranteed by the due process clause. . . . " United States v. Tarlowski, 305 F.Supp. 112, 122-123 (1969); Union Pacific Railway Co. v. Botsford, 141 U.S. 250, 251, 11 S.Ct. 1000, 1001 (1891).

"'. . . . Liberty implies the absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in the interests of the community.' Chicago, Burlington & Quincy R. Co. v. McGuire, 219 U.S. 549m 565, 31 S.Ct. 259, 262, 55 L.Ed. 328." West Coast Hotel Co. v. Parrish, 300 U.S. 379, 393, 57 S.Ct. 578, 582 (1937).

". . . . Yet certainly where the State attaches 'a badge of infamy' to the citizen, due process comes into play. (citation omitted). '[T]he right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society.' (citations omitted).

"Where a person's good name, reputation, honor or integrity are at stake because of what the government is doing to him, notice and an opportunity to be heard are essential. . . . " Wisconsin v. Constantineau, 400 U.S. 433, 437, 91 S.Ct. 507, 510 (1971); Board of Regents of State Colleges v. Roth, 408 U.S. , 92 S.Ct. 2701 (1972).

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, , the evidence used to prove the government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue (emphasis added). . . . it is even more important where the testimony consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice or jealousy (emphasis added). . . . " Greene v. McElroy, 360 U.S. 474, 496, 79 S.Ct. 1400, 1413 (1959); Goldberg v. Kelly, 397 u.S. 254, 90 S.Ct. 1011 (1970).

The demands by Appellee that I stay away from Miss Richards with

refusals to tell me the charges against me or to give me the chance to prove that they were untrue were arbitrary, in violation of my rights to free speach and freedom of association and were also in violation of my right to due process of law.

There was no necessity whatever for haling me into court on charges involving my reputation, good name, honor and integrity. It would have been a comparatively simple matter to have given me a hearing, as required by the due process clause, in and by the Baltimore City Department of Social Services. To bring suit against me without first giving me a hearing and the opportunity to prove those charges untrue, in and by that agency, was a further violation of my right to due process of law.

I have suffered grievous loss indeed. Besides the thousands of dollars in financial costs, I have had my reputation, good name, honor and integrity dragged in the dirt and cheapened; I have lost every friend whom I once had and even my son; I have suffered countless insults, humiliations and indignities, besides untold mental and emotional anguish and, of course, my job gone.

And Appellee still refuses to this very day to tell those charges or give me the opportunity to prove that what is in its files about me is untrue.

* * * * * * *

The proceeding of May 20, 1980 was a trial <u>in absentia</u>. It made not even the slightest outward pretense of being anything else, of being a hearing on the merits. I might as well have been in Peoria. The summons was, in legal effect recalled. That proceeding and the resulting court order issued June 2, 1980 were void, mere nullities. That court order was useless for any purpose whatever and was <u>legally</u> unenforcable, because of total lack of due process. I was denied the right to hear, or even to know the testimony against me. I was given no opportunity whatever to be heard, to defend myself, to prove my innocence. I only learned the testimony against me months later when I obtained a copy of the transcript. It was totally ouside the pleadings, and consisted entirely of coerced testimony and the most blatant

perjury. Not one word was said concerning the charges on which I had been haled into court.

"The principle stated in this terse language lies at the foundation of all well-ordered systems of jurisprudence. Wherever one is assailed in his person or his property, there he may defend, because the liability and the right are inseparable. . . . A sentence of a court pronounced against a party without hearing him, or giving him an opportunity to be heard, is not a judicial determination of his rights, and is not entitled to respect in any other tribunal (emphasis added).

". . . . But notice is only for the purpose of affording the party an opportunity of being heard upon the claim or the charges made; it is a summons to him to appear and speak, if he has anything to say, why the judgement sough should not be rendered. The denial to a party of the benefit of a notice would be in effect to deny that he is entitled to notice at all, and the sham and deceptive proceeding had better be omitted altogether. (emphasis added).

"The law is, and always has been, that whenever notice or citation is required, the party cited has the right to appear and be heard; and when the latter is denied, the former is ineffectual for any purpose. The denial to a party in such a case of the right to appear is in legal effect the recall of the notice to him. (emphasis added). at pages 277-278

* * * *

"So a departure from established modes of procedure will often render the judgement void; . . . and the reason is, that the courts are not authorized to exert their powers in that way.

. . . .

"It was not within the power of the jurisdiction of the court to proceed with the case, so as to effect the rights of the owner after his appearance had been stricken out, and the benefit of the citation to him thus denied. For jurisdiction is the right to hear and determine; not to determine without hearing. And where, as in this case, no appearance was allowed, there could be no hearing or opportunity of being heard, and, therefore, could be no exercise of jurisdiction." at 283-284 Windsor v. McVeigh, 93 U.S. 274, 277-278, 283-284 (1876). See also, Hovey v. Elliott 167 U.S. 409, 17 S.Ct. 841 (1897); Boddie v. Connecticut, 401 U.S. 371, 377-378, 91 S.Ct. 780, 785-786 (1971); Fuentes v. Shevin, 407 U.S. 67, 80, 92 S.Ct. 1893, 1894 (1972); Bradstreet v. Neptune Ins. Co., 3 Sumn. 600, 3 Fed. Cas. 1184 (1839).

". . . . But the fundamentals of fairness are requisite to the validity of an adversary proceeding in any tribunal. Londoner v. City and County of Denver. 210 U.S.373, 28 S.Ct. 708, 52 L.Ed. 1103 (1908); Ullman v. Mayor, etc. of City of Baltimore, 72 Md. 587, 20 A. 141, 21 A. 709, 11 L.R.A. 224 (1890). See also Morgan v. United States, 304 U.S. 1, 18-19, 58 S.Ct. 773, 999 (999 can only be an error), 82 L.Ed. 1129 (1938) [further citations omitted]. A basic requirement of fairness is that the defendant be given notice and an adequate opportunity to defend against the

claim on which the judgement is based. Reynolds v. Stockton, 140 U.S. 254, 11 S.Ct. 773, 35 L.Ed. 464 (1891); Restatement, Judgements, § 8 c. See also Belt v. Blackburn, 28 Md. 227, 243 (1868). at page 288

. . . .

The violation of a constitutional right may make the proceedings in which the violation took place either voidable or void. In the words of Judge Markel, for the court, in State v. Ambrose, 191 Md. 353, 369, 62 A.2d 359, 366 (1948), a void judgement '"may be assailed at all times, and in all proceedings by which it is sought to be enforced." * * *

". . . . In this case, however the violation of the constitutional right of Plaza and Paul went to the fairness of the conduct of the trial and accordingly the money judgement obtained in violation of that right was invalid.

"Where a judgement was outside the cause of action stated in the complaint and the defendant was not given a fair opportunity to defend against the claim upon which the judgement was based, the judgement is invalid and subject to collateral attack." Travelers Indemnity Insurance Co. v. Nationwide Construction Corp., 244 Md. 401, 224 A.2d 285, 288, 290 (1966)

"The authorities seem to be in harmony in holding a void judgement is a mere nullity and inneffective for any purpose. Its status is the same as if it had never been entered. The point is succinctly summed up in 46 Am.Jur.2d, § 49 (1969) where it is said:

'A void judgement is not entitled to the respect accorded to, and is attended by none of the consequences of a valid adjudication. Indeed, a void judgement need need not be recognized by anyone, but may be entirely disregarded (emphasis added) . . . It has no legal or binding force or efficacy for any purpose or at any place (emphasis added). . . .

. . . . All proceedings founded on the void judgement are themselves regarded as invalid and ineffective for any purpose (emphasis added).

In short, a void judgement is regarded as a nullity, and the situation is the same as it would be if there were no judgement. . . . '

"Maryland law is in accord with these authorities (emphasis added). . . . ." Cook v. Alexandria National Bank, 263 Md. 147, 282 A.2d 97, 100-101 (1971)

It is shown that the authorities are in accord, including Maryland law, that a judgement entered against a defendant without giving him the opportunity to be heard, his day in court, is void, a mere nullity, ineffective for any purpose whatever, that such a judgement may simply be disregarded and that it is legally unenforcable.

It is also shown that any proceeding based on a void judgement is void, that any judgement, decree or order issuing from a proceeding based on a void judgement or order is void, a mere nullity,

itself and legally unenforcable.

There can be no slightest doubt but that that proceeding of May 20, 1980 was in total violation of due process, that it was void and that the court order issuing therefrom was void, a mere nullity and legally unenforcable.

There can be no slightest doubt but that the proceeding of September 10, 1980 was void, a nullity and that the court order which issued therefrom was also void, a mere nullity, that it is legally unenforcable and is ineffective for any purpose and can be disregarded, being based on a void court order.

* * * * * * *

". . . . Nor may a state, through the action of its officers contrive a conviction through the pretense of a trial which in truth is 'but used as a means of depriving a defendant of his liberty through a deliberate deception of the court and jury by the presentation of testimony known to be perjured.' Mooney v. Holohan, 294 U.S. 103, 112, 55 S.Ct. 340, 342, 79 L.Ed. 791, 98 A.L.R. 406. . . . The due process clause requires 'that state action, whether through one agency or another,, shall be consistent with the fundamental principles of liberty and justice which lie at the base of all our civil and political institutions.' Hebert v. Louisiana, 272 U.S. 312, 316, 47 S.Ct. 103, 104, 71 L.Ed. 270, 48 A.L.R. 1102. . . . " Brown v. State of Mississippi, 297 U.S. 278, 286, 56 S.Ct. 461, 465.(1936)

"First, it is established that a conviction obtained through the use of false evidence, known to be such by the representatives of the State, must fall under the Fourteenth Amendment. Mooney v. Holohan, 294 U.S. 103, 55 S.Ct. 340, 79 L.Ed. 791;(further citations omitted). The same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears. (emphasis added). (citations omitted).

". . . . As stated by the New York Court of Appeals in a case very similar to this one, (citation omitted):

> ". . . . A lie is a lie, no matter what its subject, and if it is in any way relevant to the case, the district attorney has the responsibility and duty to correct what he knows to be false and elicit the truth. . . . (emphasis added)!

Napue v. People of the State of Illinois, 360 U.S. 264, 269-270, 79 S.Ct. 1173, 1177 (1959)

"One important function of the prosecutor upon a sentence is to make sure that all information in his possession material to punishment and favorable to the accused is presented to the court and the sentence is not based on mistakes of fact or faulty information. Cf. Brady v. Maryland, 373 U.S. 83, 87, 83 S.Ct. 1194, 10 L.Ed. 2d 215 (1963). . . .

"The sentencing process becomes an empty ritual, and a defendant's right to present 'any information in mitigation of punishment' is meaningless unless the judge keeps an

open mind until after he has heard all of the parties calmly and fully without interruption in a orderly manner. . . . " United States v. Malcolm 432 F.2d 809, 918 (1970)

Testimony which was not only immaterial and irrelevant, but false was introduced purporting to show that I had promised to buy an automobile, a $3,500.00 Camaro for Miss Richards Sister.

Facts concerning a trip to Ocean City were deliberately and maliciously misrepresented, twisted and distorted to make it appear that I had coldheartedly gone off in a huff, leaving Miss Richards and her girl friend. While it is true they were left, it was only because they had repeatedly refused to return although they both knew that it was imperative that I be at work that night and I was assured that they would be with her girl friend's sister.

A letter which I wrote stating most emphatically that I had no intention whatever of being blackmailed and which was completely irrelevant and immaterial was introduced in evidence in such a way as to make it appear reprehensible instead of laudatory.

When I found Miss Richards, she had been through hell on earth and had tried to commit suicide three times. Her ego and sense of self-esteem had been beaten and battered to the point where they were almost nonexistent and were badly in need of rebuilding. I knew and understood her emotional needs and wrote innumeralbe letters in order meet those needs and rebuild her ego and sense of self-esteem and to reassure her that there was someone who did <u>really</u> care and upon whom she could always depend.

She understood and I understood. One might say that those letters were fairyland. They had but one purpose, or one primary purpose, that was to meet her emotional needs, to rebuild her shattered ego and sense of self-esteem.

The Baltimore City Law Department used those letters to make me appear as some kind of monster and withheld letters which would have shown my true motives.

Much of the testimony against me, by Norma Myers, was perjured. much more of her testimony was uncorroborated hearsay.

The court order which I was alleged to have violated was, of course, void, legally unenforcable, but it had only ordered that I should not initiate contact with Miss Richards. There was no ban on Miss Richards initiating contact with me. There was no ban on her asking me to visit her and there was no ban on me visiting her at her request.

My lawyer knew the meaning, intent and extent of that order. We had discussed it immediately after that proceeding of May 20, 1980. I had called his office each time Miss Richards called and asked me to visit her. And we had discussed it immediately prior to this proceeding, September 10, 1980.

The judge grossly misinterpreted that court order to mean an absolute ban on contact between us, that we should be, each to the other as though we were dead.

Although I prompted my lawyer, he not only failed to correct that gross misinterpretation, but questioned Miss Richards as though that were indeed the correct interpretation.

The lawyer for Appellee had been the lawyer at the proceeding of May 20, 1980. He had drawn the order himself and certainly knew its meaning. It was his ethical and legal duty to make that correction himself when my lawyer failed to do so, but he deliberately said nothing.

That court order was evidence, important evidence. The gross misinterpretation by the judge made it, in effect, false evidence. The failure by the lawyer for Appellee to correct that misinterpretation was a gross violation of due process and that alone would be sufficient to invalidate that proceeding and the resulting court order.

The entire proceeding was designed and orchestrated with but one purpose in mind, to inflame and prejudice the judge against me and to have me found guilty before I ever stepped on the witness stand and it succeeded. As I was being called to the stand, the judge said, "You have caused far too much trouble already."

". . . . An impartial decisionmaker is a basic constituent of minimum due process. e.g. Goldberg v. Kelly, 397 U.S. 254, 271, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970); Wasson v. Trowbridge, 382 F.2d 807, 813 (2d Cir. 1967). Any other collateral procedural guarantees are largely without meaning if the deciding tribunal has in some way adversely prejudged the merits of the case. . . . " Simard v. Board of Education of Town of Groton, 473 F.2d 988 (1973)

". . . . No matter how guilty a suspect may appear to be (emphasis original), our system of law, with jealous regard for his rights, demands that he be accorded due process at every step of the proceedings against him. . . . " Ledbetter v. Warden, Maryland Penitentiary, 368 F.2d 490, 495 (1966)

"'. . . . [w]hatever disagreement there may be as to the scope of the phrase "due process of law," there can be no doubt that it embraces the fundamental conception of a fair trial. . . . '" Faye v. Noia, 372 U.S. 391, 411, 83 S.Ct. 822, 834 (1963)

"Misinformation or misunderstanding that is materially untrue regarding a prior criminal record, or material false assumptions as to any facts relevant to sentencing, renders the entire sentencing procedure invalid as a violation of due process. Townsend v. Burke, supra, 334 U.S. [736] at 740-741, 68 S.Ct. 1252. . . . " United States v. Malcolm, supra (emphasis added)

That proceeding could in no sense be said to be a fair trial. It would be difficult to imagine a more vicious and unprincipled attack, a grosser and more deliberate violation of every element and principle of fair play, justice, due process and even common decency.

Even had the entire proceeding not been void and a mere nullity, because it was based on a court order which was void, a mere nullity and legally unenforcable, the gross violation of due process would have made it void a dozen times over.

I was caught totally by surprise; I was unprepared for anything that happened and was in a state of near emotional shock, unable to testify coherently even if my attorney hadn't been so inept that, it hadn't been contrary to common sense, I would have sworn that he was in the pay of Appellee.

* * * * * * * * *

This part of my argument concerns questions 7 and 8 etc., asking if the rules of procedure are unconstitutional when used by the

state for the purpose of denying to an individual his right to a fair trial or appellate review.

These questions were raised on application for certiorari to The Court of Appeals of Maryland. The denial of certiorari was, in effect, to hold that such use of the rules of procedure are not unconstitutional.

In Griffin v. People of the State of Illinois, 351 U.S. 12, 76 S.Ct. 585 (1956), it was held that, while the Federal Constitution did not require that a state provide appellate review, when the state did so provide, it could not do so in a way which was invidiously discriminatory because of poverty, that such a discrimination is in violation of due process and equal protection of the laws.

While this was in reference to discrimination only because of poverty, however, when a state's courts are administered in such a manner as to discriminate against some while allowing appellate review for others, whatever the reason and whether intentional or unintentional, such discrimination is repugnant to our Constituion and in violation of due process and equal protection of the laws.

In Boddie v. Connecticut, 401 U.S. 371, 91 S.Ct. 780 (1971), relying, inter alia, on Griffin v. Illinois, supra, it was held that denial of access to the courts to those wishing to obtain divorces, but unable to pay the required court costs and fees, was in violation of equal protection.

In my own instance, I appealed to the Court of Special Appeals of Maryland. I was unable to pay an attorney and the State would not provide me with one, therefore, I was under the necessity of conducting my own appeal and composing my own brief, pro se.

The rules of procedure are often complex, obscure and confusing. A brief is a work of art. Although, in general, I am able to find the law and understand it when I do find it, I am lost in form and procedure and was unable to comply with the technical requirements

for a brief.

The Baltimore City Law Department filed a motion that my appeal be dismissed for the reason that my brief did not comply with the requirement of the rules of procedure. That motion had nothing whatever to do with the merits of my appeal. It was based solely on the fact that my brief did not comply with the technical requirements and was filed solely to deny me my right to appeal.

If I had been able to afford a competent attorney, I would have been granted appellate review. I was discriminated against and denied appellate review, because I was unable to afford a lawyer to handle my appeal for me. It was a matter of, no money, no appellate review, no justice.

Both Griffin and Boddie apply in my case. That denial of appellate review was invidiously discriminatory and in violation of due process and equal protection of the laws.

Rules of procedure have but one legitimate purpose. That is for the orderly adminstration of the courts business. Granted that at common law, it is the judges who make the law, rules of procedure are not common law, statutory law, nor constitutional law. When those rules are administered in a discriminatory manner and/or when they are used to subvert justice, they are being used in a manner and for purposes for which they were never intended, whether they deny equal access to the courts or allow the criminal to go free.

In an article, "Why Lawyers are in the Doghouse," in a recent issue of "U.S. News & World Report" of May 11, 1981, it was stated that responses of survey of judges rated only four percent of lawyers as being competent.

Whatever the percentage may be, there can be no doubt that clients often suffer because of the incompetency of their lawyers. Nor can there be any doubt but that many lawyers must be incompetent to represent a client on appeal and to formulate a brief and the layman has, in general no way of judging the competence of a lawyer.

It follows that the client must often be discriminated against because of the incompetency of his lawyer.The fact that he was able to pay a lawyer makes it none the less invidiously discriminatory. With a competent lawyer, he would have been granted appellate review. He was denied appellate review because his lawyer was incompetent. It has nothing whatever to do with the merits of his cause. Due process and equal protection of the laws have been violated.

When appellate review is granted to some and denied to others for any reason except the merits of the cause, it is a violation of due process and equal protection of the laws.

The same reasoning applies to the motion to dismiss my application for certiorari and the denial of certiorari by the Court of Appeals of Maryland. Justice is always desirable and in the public interest and that is especially true when the violation of constitutional rights are involved. To say otherwise is to say that our constitutional rights are at the whim and caprice of our state courts.

> ". . . . Upon the state courts, equally with the courts of the Union, rests the obligation to guard and enforce every right secured by that Constitution. Robb v. Connolly, 111 U.S. 624, 637, 4 S.Ct. 544, 28 L.Ed. 2d 542. . . . " (emphasis added). Mooney v. Holohan, 294 U.S. 108, 113, 55S.Ct. 340, 342 (1935)

And, of course the same reasoning applies to the motions to strike my motion to reopen after that proceeding of May 20, 1980 and my motion to vacate after that proceeding of September 10, 1980. Those motions had nothing whatever to do with the merits but were merely designed to use the rules of procedure to deny me my right to a fair trial in both instances. Those motions were in violation of due process and equal protection of the laws.

From footnote 11, Griffin v. Illinois, supra:

"Dissenting opinions here argue that the Illinois law

should be upheld since by its terms it applies to rich and poor alike. But a law nondiscriminatory on its face may be grossly discriminatory in its operation. . . . (Citations omitted).

There can be no doubt but that when rules of procedure operate in such a manner as to deny to some individuals the right to appellate review while not denying to other individuals the right to appellate review, they are operating in a discriminatory manner and are in violation of due process and equal protection of the laws, and regardless of the particular cause for that discrimination. Whatever that cause might be, the essential fact is the discriminatory manner in which they are operating.

"Due process is not concerned with the reason for the indictment or a prosecution, but with fairness. . . . " Kamsler v. M.F.I. Corporation, 359 F.2d 752, 754 (1966)

"However, this Court too has its responsibility. Regard for the requirements of the due process clause 'inescapably imposes on this Court an exercise of judgement upon the whole course of the proceedings [resulting in a conviction] in order to ascertain whether they offend those canons of decency and fairness which express the notions of justice of English-speaking peoples even toward those charged with the most heinous offenses.' Malinski v. People of state of New York, supra, 324 U.S. at pages 416-417, 65 S.Ct. at page 789. These standards of justice are not formulated anywhere as though they were specifics. Due process of law is a summarized constitutional guarantee of respect for those personal immunities which, as Mr. Justice Cardozza twice wrote for the court, are 'so rooted in the traditions and conscience of our people as to be ranked as fundamental', Snyder v. Commonwealth of Massachusetts, 291 U.S. 97, 105, 54 S.Ct. 330, 332, 78 L.Ed. 674, or are 'implicit in the concept of ordered liberty'. Palco v.

State of connecticut, 303 U.S. 319, 325, 58 S.Ct. 149 152, 82 L.Ed. 288." Rochin v. People of California, 342 U.S. 165, 169, 72 S.Ct. 205, 208 (1971)

". . . . The due process of law clause in the Fourteenth Amendment does not take up the statutes of the several states and make them the test of what it requires; nor does it enable this Court to revise the decisions of the state courts on questions of state law. What it does require is that state action, through one agency or another, shall be consistent with the fundamental principles of liberty and justice which lie at the base of all our civil and political institutions and not infrequently are designated as 'law of the land.' These principles are applicable alike in all the states, and do not depend upon or vary with local legislation. (citations omitted). . . . " Hebert v. State of Louisiana, 272 U.S. 312, 316-317, 47 S.Ct. 103, 104 (1926)

For almost two years I have fought alone against the power and might of the state. My almost non existent financial resources have been pitted against the State's comparatively unlimited financial resources. The legal training and experience of the many members of the Baltimore City Law Department were pitted against my, in the beginning, nonexistent legal knowledge. The legal knowledge which I now possess is the result of many hundreds of hours studying the law and doing legal research. What I have done is far beyond the ability of any average citizen. So far, it has all been wasted.

When the state brings its power and might, its comparatively unlimited financial resources and the legal training and knowledge of its legal departments, to bear on an individual who is unable to afford the legal aid necessary to properly defend himself, the inequality is such as to cause David and Goliath to appear as equals. Such an action is as unfair as to expect a baby to defend itself against an adult. Such a proceeding is the act of the bully, the tyrant, the oppressor, the despot and is a shame and disgrace to any nation which calls itself civilized. Such an action by the state is the rankest injustice. It violates every concept and principle of fair play, justice, due process, equal protection of the laws and even common decency. It is intolerable that such a condition should be allowed to exist in this nation which so proudly proclaims, "Liberty and justice for all."

There can be no liberty; there can be no justice, as long as such a state of affairs is allowed to exist, not for me; not for you; not for anyone else.

There can be not the least doubt but that such a prceeding by the state does "'. . . offend those canons of decency and fairness which express the notions of justice of English-speaking peoples. . . .'" Rochin v. California, supra. There can be not the least doubt but that such state action is not ". . . . consistent with the fundamental principles of leberty and justice which lie at the base of all our civil and political institutions and not infrequently are designated as 'law of the land.' . . . " Hebert v. Louisiana, supra. There can be no least doubt but that such action by the state violates every concept and principle of fair play, justice, due process, equal protection of the laws and even common decency.

There can be no least doubt but that when the state brings its power and might to bear on the hapless citizen without providing him the necessary means to properly defend himself, and that, regardless of the magnitude of the cause and whether designated civil or criminal, is in violation of due process and equal protection of the laws.

Moreover, when, after having been put to the expense and loss of time entailed by defending himself against the action of the state, the individual is shown to be innocent,failure of the state to recompense the citizen for his financial costs and loss of time is grossly unfair and unjust. I recently read of a man who had been proved innocent after fifteen years imprisonment, I believe in Pennsylvania and that is only one of many such events. Fifteen years of that man's life wasted and the state probably didn't even apologize.

In my own case, the thousands of dollars I have been forced to spend, the hundreds of hours I have been forced to spend studying law, doing legal research and preparing pleading must

must come under the Fourteenth Amendment ban of deprivation of property without due process of law. Money is certainly property and the value of my time must be considered property.

In my own case, there can be no least doubt but that I have been deprived of property without due process of law, because it is undeniable that I have been denied due process and equal protection of the laws at every step of the way and in every proceeding against me.

It must be for this Court to consider the constitutional issues involved, when a citizen who is found innocent, although given the full protection of due process and equal protection of the laws, has suffered great financial loss and loss of time. The gross unfairness and injustice of failure by the state to make recompense is manifest.

CONCLUSION

In every proceeding, in every instance, at every step of the way, during these last almost two years, there has been a total violation and denial of due process and equal protection of the laws. Every proceeding, every decision, both court orders are void, mere nullities, legally unenforcable, because of total lack of authority of law.

Use of the rules of procedure to deny an individual his right to a fair trial or to appellate review is repugnant to the United States Constitution and especially when they are used to deny one his right to appellate review when he is acting pro se.

When the state brings its power and might to bear on the hapless and defenseless citizen who has not the financial means to properly defend himself, while refusing to give him the means to properly defend himself is the act of the tyrant, the oppressor, the despot. It is as reprehensible as to expect a baby to defend itself against an adult. It offends every canon of fairplay, justice and decency. When the state brings its power and might to bear on a hapless citizen who has not the means to properly defend himself, due process

and equal protection demand that the state give that individual the means to defend himself properly. To hold otherwise would be to perpetuate the rankest injustice and oppression.

And in a case such as mine, there can be no question whatever but that the very great loss I have sustained because of the depredations of the state, coupled with the total denial to me of due process and equal protection of the laws is a vioation on the ban against deprivation of property without due process of law.

There can be no least doubt but that I have been deprived of freedom of speech, freedom of association and liberty without due due process of law.

The transcript of the proceeding of May 20, 1980 shows that I was given no opportunity whatsoever to be heard, to defend myself, but that the judge cut me off when I tried to say something. It shows that there was no hearing on the mertits on anything, because a hearing on the merits is one in which every legal right is observed. It was a total denial of due process.

It shows that there was no hearing of any kind on counterclaims I had filed under the Maryland Public Information Act, that the only mention of those counterclaims was when they were ordered dismissed.

The copy of the motion for summary judgement filed by the Baltimore City Law Department shows that they told the most bare-faced and outrageous lies in the Circuit Court of Baltimore City in order to have that suit dismissed with prejudice on the basis of res judicata, which could not possibly have been applicable.

That dismissal with prejudice isn't worth the paper it is written on, because it is one hundred percent fraudulent, but it is easily seen that, whatever the reason may be, it is impossible for me ot obtain justice in the Maryland courts.

I have come to this Court, the Supreme Court of the United States, seeking the justice which has been so surely denied me by the courts of Maryland.

81-5164

IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

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H.E. FRIEDMAN
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ALFRED M. STRICKLAND *
Appellant *
v. *
BALTIMORE CITY DEPARTMENT * No. 1429
OF SOCIAL SERVICES * September Term, 1980
Appellee *

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SUPREME COURT, U.S.

NOTICE OF APPEAL

Notice is hereby given that Alfred M. Strickland, Appellant above named, hereby appeals to the Supreme Court of the United States from the conviction of contempt of court in the Baltimore City Circuit Court on September 10, 1980 and the subsequent dismissal by the Court of Special Appeals in the above captioned case.

This appeal is taken under 28 U.S.C. §§ 2101 (c), 2101 (d) and 1257 (2).

Alfred M. Strickland

Alfred M. Strickland, Attorney pro se

CERTIFICATE OF SERVICE

I, Alfred M. Strickland, certify that I have served copies of the aforegoing Notice of Appeal on Bemjamin L. Brown, City Solicitor, City Hall, 100 Holliday St., Baltimore, Md. 21202, the Circuit Court of Baltimore City, Clerk of the Court, 111 N. Calvert St., Baltimore, Md. 21202 and upon the United States Supreme Court, by mailing, June 30, 1981.

Alfred M. Strickland

Alfred M. Strickland

Subscribed and sworn to before me this 30th of June, 1981.

4111 Sh ALAMEDA
BALTIMORE, MD. 21218
(301) 467-0991

Notary Public

STRICKLAND, ALFRED M

called by Cr. J Spec Appeal not Supp coming

81-5164

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JUN 29 1981
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SUPREME COURT, U.S.

IN THE CIRCUIT COURT

OF

BLATIMORE CITY

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES

Petitioner

v.

ALFTED M. STRICKLAND

Respondent

Docket: 119A

Folio: 927

File: A-59207

NOTICE OF APPEAL

Notice is hereby given that Alfred M. Strickland, respondnet above named, hereby appeals to the Supreme Court of the United States form the conviction of contempt of court, September 10, 1980, the court order issued September 25, 1980 and the denial of Certiorari by the Court of Appeals of Maryland, April 6, 1980.

This appeal is taken under 28 U.S.C. §§ 2101 (c) and 1257 (2). or 2101 (d).

Alfred M. Strickland

Alfred M. Strickland, Attorney pro se

I, Alfred M. Strickland, certify that I have served a copy of the aforegoing Notice of Appeal on Benjamin L. Brown, City Solicitor, Attorney for Petitioner and upon the Clerk of the Court of the Court of Appeals of Maryland, by mailing, on june 26, 1981. And upon the Clerk of the Court of the Circuit Court of Baltimore City.

Benjamin L. Brown, City Solicitor
City Hall Law Dept.
100 Holliday St.
Baltimore, Md. 21202

Alfred M. Strickland

Alfred M. Strickland

Subscribed and sworn to before me this 26 day of June, 1981.

Notary Public

Clerk of the Court
Circuit Court of Baltimore City
111 N. Calvert St.
Baltimore Md. 21202

Clerk of the Court
Court of Appeals
Courts of Appeals Bldg.
Annapolis, Md. 21401

(57)

ALFRED M. STRICKLAND

V.

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES

In the
Court of Appeals
of Maryland

Petition Docket No. 582
September Term, 1980
(No. 1429, September Term, 1980
Court of Special Appeals)

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Robert C. Murphy
Chief Judge

Date: April 6, 1981.

(46)

ALFRED M. STRICKLAND	:	IN THE
Appellant	:	COURT OF SPECIAL APPEALS
-vs-	:	OF MARYLAND
BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES	:	September Term, 1980
	:	No. 1429
Appellee	:	
	:	

: : : : : : : : : : : : : : :

ORDER

Upon the aforegoing Motion to Dismiss Appeal and response thereto, it is this 9th day of February, 1981, by the Court of Special Appeals of Maryland,

ORDERED, that the Motion to Dismiss Appeal filed by the Baltimore City Department of Social Services, Appellee, be and the same is hereby granted, and the appeal dismissed. Md. Rule 1035 b. 7.

CHIEF JUDGE Theodore G. Gilbert

JUDGE Ridgely P. Melvin

JUDGE James F. Couch, Jr.

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES Petitioner vs. ALFRED M. STRICKLAND Respondent	•	IN THE CIRCUIT COURT OF BALTIMORE CITY Docket: 119A Folio: 927 File No.: A-59207

ORDER

The Petition To Hold Respondent In Contempt Of Court and Issue Show Cause Order filed by the Baltimore City Department of Social Services, Petitioner, in the above captioned matter, having come on for hearing in open court, all parties having been represented by counsel and evidence having been considered it is this 25th day of September 1980, the finding of the Circuit Court of Baltimore City that Alfred M. Strickland, Respondent, has violated the Order of this Court, dated June 2, 1980, and that therefore he is hereby found to be in contempt of this Court for violation of said Order.

Further, it is on this day by the Circuit Court of Baltimore City, ORDERED that there be no contact whatsoever either directly or indirectly, verbally or non-verbally, by telephone, letter, mail, message, by courier or by a third party or by any means of communication whatsoever between Alfred M. Strickland, Respondent, and Shirley Richards, minor child, and between Alfred M. Strickland, Respondent, and Norma Myers, foster parent.

It is further ORDERED that there shall be no exchange or delivery of gifts directly or indirectly by courier or by a third party or by any other manner whatsoever between Alfred M. Strickland, Respondent, and Shirley Richards, minor child.

It is further ORDERED that Alfred M. Strickland, Respondent, shall not directly or indirectly interfere or attempt to interfere in any manner whatsoever with t[illegible]ster care placement of Shirley Richards, minor child.

It is further ORDERED that Alfred M. Strickland, Respondent, shall forthwith contact the Medical Office of the Supreme Bench of Baltimore City and arrange for that office to perform a psychiatric and psychological evaluation of him.

Costs waived

Paul A. Dorf
JUDGE

APPROVED AS TO FORM

Lawrence R. Daniels
LAWRENCE R. DANIELS
Attorney for Alfred M. Strickland, Respondent

TRUE COPY
TEST
Ronald J. Wales
CLERK

AND BY

/s/
BENJAMIN L. BROWN
City Solicitor

/s/
BERNARD A. GREENBERG
Assistant Solicitor

Attorneys for Department of Social
Services of Baltimore City

Cm K.P.
D

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SUPREME COURT, U.S.

NO. 81-5164

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

ALFRED M. STRICKLAND,

Appellant,

v.

BALTIMORE CITY DEPARTMENT OF
SOCIAL SERVICES

Appellee

ON APPEAL FROM THE COURT OF SPECIAL APPEALS
OF MARYLAND

MOTION TO DISMISS APPEAL

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MOTION TO DISMISS

The Baltimore City Department of Social Services, by its attorneys, Benjamin L. Brown, City Solicitor, Otho M. Thompson, Associate City Solicitor and William R. Phelan, Jr., Assistant City Solicitor, moves, pursuant to Rule 16 of the rules of this Court, that the Court dismiss the appeal filed by Alfred M. Strickland in the above-entitled case.

STATEMENT OF THE CASE

Shirley Richards, born October 14, 1964, was committed to the care and custody of the Department of Social Services of Baltimore City ("D.S.S.") as a Child In Need Of Assistance on November 23, 1971 by the Circuit Court of Baltimore City, Division for Juvenile Causes. She was placed in a foster care home. On November 2, 1979, D. S. S. initiated the present case by filing a Petition For Injunctive Relief to Prevent Interference with Custody of Minor (A.6) (Case reference: Circuit Court of Baltimore City, 119A/927/A-59207). The Petition alleged that Mr. Strickland had, since May, 1979, interfered with the child's foster care placement by attempting to help her run away, sending gifts and letters which were inappropriate to her age and emotional status, proposing marriage and intimidating the foster mother (A.6,7).

On February 22, 1980, counsel for Mr. Strickland entered his appearance (A.9) and on the same day, the parties entered into a Consent Order by which Mr. Strickland was enjoined from communicating with the girl pending a hearing (A.10). The order was approved as to form by Mr. Strickland's attorney.

On May 20, 1980, a hearing was held before Judge Edgar P. Silver at which both parties were present with counsel and presented testimony (A.28). Consequently, Judge Silver signed an Order on June 2, 1980, which enjoined Mr. Strickland from initiating communications with the girl and from interfering in any manner whatsoever with the foster care placement (A.11).

On July 22, 1980, the case came back to court when D. S. S. filed a Petition asking that Mr. Strickland be held in contempt for violation of the Order of June 2, 1980 (A.13). The Petition alleged continued visits between Mr. Strickland and the girl, continued gift-giving and one incident in which Mr. Strickland had assisted the girl in running away from the foster home.

A hearing was held on this Petition before Judge Paul A. Dorf on September 10, 1980. At the hearing, both parties were present with counsel and both sides presented testimony (A.39 et. seq.) Judge Dorf found Mr. Strickland to be in contempt for violation of the Order of June 2, 1980 and ordered that Mr. Strickland have no contact with the girl, that he send no gifts and not interfere with the foster care placement and that there be a psychiatric and psychological evaluation of Mr. Strickland by the Medical Office of the Supreme Bench of Baltimore City (A.16). The form of the Order was approved by Mr. Strickland's attorney.

Mr. Strickland now acting pro, se, filed a Notice of Appeal on October 9, 1980. The appeal was entitled Alfred M. Strickland v. Baltimore City Department of Social Services, Court of Special Appeals of Maryland, September Term, 1980, No. 1429.

Mr. Strickland filed his brief on February 1, 1981. On February 4, 1981, D. S. S. filed a Motion to Dismiss Appeal based on the failure of Mr. Strickland to comply with Maryland Rules of Procedure, Rule 1028, 1031c3 and 1031c4 and the failure of the brief to limit itself to a consideration of the judgment appealed from (A.18). Mr. Strickland filed a response on February 8, 1980 (A.23) and on February 9, 1981, the Court of Special Appeals dismissed the Appeal (A.27).

On February 16, 1981, Mr. Strickland filed with the Court of Appeals of Maryland an application for a writ of certiorari to review the judgment below. The petition was docketed in the Court of Appeals of Maryland, Petition Docket, No. 582, September Term, 1980. An answer was filed by D. S. S. on February 23, 1981 and on April 6, 1981 the petition was denied for lack of a showing that review by certiorari was desirable and in the public interest. Mr. Strickland then appealed to this Court.

CONSTITUTIONAL PROVISIONS, STATUTES, ORDINANCES, RULES AND REGULATIONS

United States Code, Title 28, Section 1257 (2):

> Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:
>
> (2) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity.

Maryland Rules of Procedure, Rule 1028 a, b, h and i 1:

a. Appellant to Print.

In civil cases, unless otherwise ordered by this Court, the appellant shall cause to be printed, either as a separate volume or as an appendix to his brief, extracts of the record which shall include the parts thereof provided for by section b. of this Rule arranged in the order in which the same appear in the record. The extracts from the record so printed shall be copied verbatim except as otherwise provided in section g. of this Rule. Asterisks or other appropriate means shall be used to indicate omissions in the testimony or in exhibits, reference to the pages of the record and transcript shall be made and the date of filing each paper printed shall be stated at the head of the copy. The table of contents, provided for in sections c. 1. and d. 1. of Rule 1031 (Style and Contents of Brief) shall also cover the contents of an appendix bound with the brief and shall give references to initial page of the direct, cross, and redirect examination of each witness and of each pleading, exhibit, or other paper printed, and shall identify each such document by a descriptive phrase and if an exhibit, also, its number. An appendix bound separately shall be prefaced with a table of its contents in like form. If the transcript of testimony is reproduced, the pages shall be consecutively renumbered; any photograph, document or other paper filed as an exhibit which is to be included in the appendix or printed record extract shall be included in all copies of the appendix or printed record extract, and may be either folded to the appropriate size, or photographically or mechanically reduced, so long as legibility is not impaired. The size, style, format and binding of the appendix or printed record extract shall be the same as those prescribed for a brief by section a. of Rule 1031 (Style and Contents of Brief).

b. Contents.

1. What to be Included.

The printed extract shall contain such parts of the record as may reasonably be necessary for the determination of the questions presented by the appeal, and shall include:

(a) The judgment appealed from, together with the opinion or charge of the lower court, if any.

(b) So much of the evidence, pleadings or other parts of the record as is material to any question the determination of which depends upon the sufficiency of the evidence, pleadings or other matter contained in the record to sustain any action, ruling, order or judgment of the lower court.

(c) Such other parts of the record as may be designated by the parties pursuant to section c. of this Rule.

2. What to Be Excluded.

The printed extract should not include those parts of the record which:

(a) Support facts set forth in an agreed statement of facts pursuant to section g. of this Rule, or

(b) Are summarized in a stipulation pursuant to section g. of this Rule.

h. Thirty Copies to Be Filed.

If the record extract is printed as a separate volume, thirty copies thereof shall be filed withthe clerk at the same time the appellant's brief is filed. It shall be printed in clear legible type and on good paper, the pages to be 8½" x 11".

i. Penalties - Correction.

1. Violation of Section a.

For violation of section a. of this Rule, this Court may dismiss the appeal, or make any other appropriate order with respect to the case, including an order that an improperly printed appendix or printed extract be reprinted at the expense of the counsel for the party whose appendix or printed extract was improperly printed.

Maryland Rules of Procedure, Rule 1031c3 and 4:

c. Contents of Appellant's Brief.

The brief of the appellant shall contain in the order here indicated:

3. Constitutional Provisions, Statutes, Ordinances, Rules and Regulations.

The citation and verbatim text of all pertinent constitutional provisions, statutes, ordinances, rules and regulations. If any are lengthy, their citation alone suffice at this point, but their pertinent text shall be set forth in an appendix.

4. Statement of Facts.

A clear concise statement of the facts material to a determination of the questions presented. If there is any dispute with regard to any of the facts asserted by the appellant, or a possibility of such a dispute, the appellant shall so state. Reference shall be made to the pages of the record or the transcript of the testimony as contained in the record supporting his assertions.

Maryland Rules of Procedure, Rule 1035b.7:

b. Motion

On motion filed by any party, an appeal may be dismissed for any of the following reasons:

7. The style, contents, size format, legibility or method of reproduction of a brief, appendix or printed record extract does not comply with Rule 1031 (Style and Contents of Brief).

ARGUMENT

The Appellant invokes the jurisdiction of this Court under 28 U.S.C., Section 1257 (2), which states that a final judgment rendered by the highest court of a State in which a decision could be had may be reviewed

> "By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity."

No State statutes were challenged in the lower courts. The only arguable application of 28 U S.C. S 1257 (2) to this case is in relation to the Appellant's statements to the appellate court below that the Maryland Rules of Procedure are unconstitutional. These arguments correspond to Questions 7, 8 and 9 in the Jurisdictional Statement. However, this issue was never raised before the trial court and was never briefed, argued or expressly passed on in the Court of Special Appeals of Maryland. Since the Maryland courts have not passed on the question, this Court should not entertain the question on appeal. Monks v. New Jersey, 398 U.S. 71, 90 S. Ct. 1563, 26 L. Ed. 2d 54 (1970). Even if this Court finds that the issue was properly and sufficiently raised and decided, the issue does not present a substantial federal question which warrants this Court's setting the case for argument.

The other questions presented by the Appellant suffer from the same infirmities. Several of the questions fail to raise any federal question at all. But more important, none of the questions was raised before the trial or appellate courts below. Consequently, none of the questions was decided by a court below. Therefore, this Court should not entertain these questions on appeal. Monks v. New Jersey, supra.

CONCLUSION

In summary, none of the questions presented by the Appellant was expressly decided by the trial or appellate courts below. Therefore, this Court should not entertain the appeal, but rather, should dismiss it.

Respectfully submitted,

Benjamin L. Brown
City Solicitor

Otho M. Thompson
Associate City Solicitor

William R. Phelan, Jr.
Assistant City Solicitor

APPENDIX

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DOCKET ENTRIES

2" November 1979 Petition for Injunctive Relief to Prevent Interference with Custody of Minor, in re: to enjoin defendant from any visits and/or communications with Shirley Richards, minor, and her foster family (1) fd.

19" November 1979 Summons (2) issd. (Summoned)

Same Day Order of Court directing Defendant herein to show cause on or before the 10th day of December, 1980, why the relief prayed in the foregoing Petition should not be granted, etc. (3) issd. (Served)

5" December 1979 App. of Respondent, in proper person, and his Answer to the Petition for Injunctive Relief, etc. (4) fd.

Same Day Counter-Claims of Respondent (5) fd.

Same Day Petition of Defendant for Joinder of Additional Party (Plaintiff), etc. (6) fd.

6" December 1979 Respondent's Amendment to original pleadings, etc. (7) and Request for Trial by Jury (8) fd.

12" December 1979 Plaintiff's Motion Raising Preliminary Objection as to the Counter-Claim of the Defendant, etc. (9) and Demurrer to the Counter-Claim (10) and Request for Hearing (11) fd.

17" December 1979 Respondent's Motion to Strike Preliminary Objection, and Statement of Points and Authorities (12) fd.

Same Day Respondent's Motion to Strike Demurrer, and Statement of Points and Authorities (13) fd.

Same Day Respondent's Request for Production of Documents (14) fd.

19" December 1979 Respondent's Petition for Injunctive Relief, etc. (15) fd.

Same Day Petition of Respondent to revoke Foster Home License, etc. (16) fd.

24" December 1979 Defendant's Petition to Stand in Loco Parentis, etc. (17) fd.

Same Day Defendant's Petition in Loco Parentis for Injunctive Relief (18) fd.

Same Day Amendment to Defendant's First Counter-Claim (19) fd.

Same Day Counter-Claim of Defendant for Malicious Prosecution, etc. (20) fd.

Same Day Defendant's Amendments to the Petition to Revoke Foster Home License and the the Counterclaim for Malicious Prosecution (21) fd.

Same Day Petition of Defendant to be granted Custody of a minor child, etc. (22) fd.

28" December 1979 Plaintiff's Motions Ne Recipiatur or to Strike, re: Defendant Motions to Strike Preliminary Objection (23) and Defendant's Motion to Strike Demurrer (24) fd.

Same Day Plaintiff's Motion to Deny Defendant's Request for Production of Documents (25) fd.

Same Day Plaintiff's Motions Raising Preliminary Objection, re: Defendant's Petition to Revoke Foster Home License (26) and Defendant's Petition to Stand in Loco Parentis (27) and Defendant's Petition in Loco Parentis for Injunctive Relief (29) and Defendant's Petition for Injunctive Relief (29) and Defendant's Counter-Claim for Malicious Prosecution (30) and Defendant's Petition for Custody of a Minor (31) fd.

14" January 1980 Defendant's Motion to Strike the Motions Raising Preliminary Objection, re: Respondent's Petition in Loco Parentis; Petition to Stand in Loco Parentis; Petition for Dismissal of Plaintiff's Prayer for Injunctive Relief; Petition to Dismiss Counter-Claim for Malicious Prosecution; Petition to dismiss Petition to Revoke Foster Home License; and Petition for Custody, etc., and Points and Authorities thereon (32) fd.

18" January 1980 Respondent's Amendment to the Petition heretofore filed (33) fd.

24" January 1980 Plaintiff's Motion for Temporary Injunctive Relief, etc. (34) fd.

29" January 1980 Respondent's Amendment to his Answer to the Petition heretofore filed and subsequently amended (35) fd.

Same Day Respondent's Motion to Strike Plaintiff's Petition for Injunctive Relief, etc. (36) fd.

30" January 1980 Order of Court denying Motion of Plaintiff for Temporary Injunctive Relief (37) fd.

Same Day Defendant's Motion to Strike Plaintiff's Motion for Temporary Injunctive Relief (38) fd.

Same Day Plaintiff's Motion Ne Recipuatur or to Strike the Defendant's Motion to Strike the Plaintiff's Petition for Injunctive Relief, etc., and Points and Authorities thereon (39) fd.

1" February 1980 Summons Plaintiff's Witness (40) (not issued)

Same Day Defendant's Statement to the Court (41) fd.

4" February 1980 Defendant's Motion for Immediate Production of Documents (42) fd.

Same Day Defendant's Petition for Ex Parte Injunction (43) fd.

7" February 1980 Summons Plaintiff's Witness (44) issd. (Served)

Same Day Summons Plaintiff's Witness (45) issd. (Served)

Same Day Defendant's Statement to the Court (46) fd.

8" February 1980 Copy of Letter from Respondent to unnamed Lawyer (47) fd.

13" February 1980 Plaintiff's Motion Ne Recipiatur or to Strike the Respondent's Motion for Immediate Production of Documents, etc. (48) fd.

Same Day Plaintiff's Motion Raising Preliminary Objection to the Petition for Ex Parte Injunction of the Defendant herein (49) fd.

15" February 1980 Defendant's Motion to Strike Plaintiff's Motion Raising Preliminary Objection to Defendant's Petition for Ex Parte Injunction, etc. (50) and Motion for Continuance (51) fd.

Same Day Summons Plaintiff's Witness (52) issd. (Tardy)

Same Day Summons Plaintiff's Witness (53) issd. (Tardy)

19" February 1980 Summons Plaintiff's Witness (54) copy issd. (Tardy)

20" February 1980 Plaintiff's Motion Ne Recipiatur, or to Strike Respondent's Motion for Continuance, etc. (55) issd.

Same Day Plaintiff's Motion Ne Recipiatur or to Strike Respondent's Motion to Strike the Motion of the Plaintiff Raising Preliminary Objection to Respondent's Petition for Ex Parte Injunction, etc. (56) fd.

22" February 1980 App. of Lawrence R. Daniels entered for Defendant in this matter (57) fd.

Same Day Consent Order of Court enjoining Respondent from having any visits or communications with Shirley Richards, pending hearing, etc. (58) fd.

27" March 1980 Motion for Hearing (59) fd.

29" April 1980 Summons Plaintiff's Witness (60) issd.
(

Same Day Summons Plaintiff's Witness (61) issd. (

Same Day Summons Plaintiff's Witness (62) issd. (Served)

Same Day Summons Plaintiff's Witness (63) copy issd. (Served)

Same Day Summons Plaintiff's Witness (64) copy issd. (Served)

2" June 1980 Order of Court directing that Respondent shall not initiate any visits and communications directly or indirectly with Shirley Richards, minor child, and her foster family; and further directing that Respondent not interfere in any manner whatsoever with the foster care placement of said minor; and further directing that all pending proceedings, motions and counter-claims filed by Respondent are dismissed; costs waived (65) fd.

Same Day Motion of Respondent, in proper person, to reopen case, etc. (66) fd.

5" June 1980 Motion Ne Recipiatur or to Strike the Motion to reopen case (67) fd.

9" June 1980 Respondent's Motion to Strike Plaintiff's Motion Ne Recipiatur, etc., and Points and Authorities (68) fd.

Same Day Respondent's Open Letter to the Baltimore City Law Department (69) fd.

16" June 1980 Order for Appeal on behalf of the Defendant (70) fd.

22" July 1980 Petition of the Department of Social Services of Baltimore City to hold Respondent in contempt of Order of June 2, 1980, etc. (71) and Order of Court directing Respondent to appear in person on August 14, 1980, at 9:45 a.m. and then and there show cause why he should not be held in contempt (72) issd. (Non Est)

11" August 1980 Order of Court directing Respondent to appear in person on September 10, 1980 and show cause why he should not be held in contempt (73) issd. (Non Est)

26" August 1980 Summons Plaintiff's Witness (74) issd.
(

Same Day Summons Plaintiff's Witness (75) issd. (

Same Day Summons Plaintiff's Witness (76) issd. (Served)

Same Day Summons Plaintiff's Witness (77) issd. (Served)

Same Day Summons Plaintiff's Witness (78) issd. (Served)

Same Day Summons Plaintiff's Witness (79) issd. (Served)

Same Day Summons Plaintiff's Witness (80) issd. (Non Est)

Same Day Summons Plaintiff's Witness (81) issd. (Served)

Same Day Summons Plaintiff's Witness (82) issd. (Non Est)

28" August 1980 Affidavit of Service (83) fd.

4" September 1980 Summons Respondent's Witness (84) issd.
(

Same Day Summons Respondent's Witness (85) issd. (

Same Day Summons Respondent's Witness (86) issd. (

10" September 1980 Order of Referral to Medical Services (87) fd.

16" September 1980 Order of Court striking Respondent's Notice of Appeal filed 16" June 1980 (88) fd.

25" September 1980 Order of Court that there be no contact whatsoever, directly or indirectly, etc., between Alfred M. Strickland and Shirley Richards, or between Alfred M. Strickland and Norma Myers, etc., and further that Alfred M. Strickland contact the Medical Office of the Supreme Bench; costs waived (89) fd.

9" October 1980 Order for Appeal entered on behalf of defendant (90) fd.

23" October 1980 Order of Court of the Court of Special Appeals of Maryland dated October 22, 1980, directing that the captioned appeal proceed without a pre-hearing conference (91) fd.

13" November 1980 Testimony (92) fd.

25" November 1980 Testimony (93) fd.

Same Day Petitioner's Exhibits 1 (94), 2 (95), 3 (96) 4 (97), 5 (98), 6 (99), 7 (100), 8 (101), 9 (102), 10 (103), 11 (104), 12 (105), 13A (106), 13B (107), 13C (108), 13D (109), and 13E (110) fd.

Same Day Respondent's Exhibit 1 (111) fd.

3" December 1980 Motion of Respondent, Alfred M. Strickland, to Vacate Finding of Contempt of Court and to Declare a Nontrial and More (112) and Statement of Points and Authorities (113) fd.

Same Day Respondent's Appeal to the Supreme Court of the United States (114) fd.

17" December 1980 Petitioner's Motion Ne Recipiatur as to Respondent's Motion to Vacate Finding of Contempt of Court, etc., Statement of Points and Authorities, and Exhibits (115) fd.

Same Day Petitioner's Motion Ne Recipiatur as to Respondent's Motion to Vacate Finding of Contempt of Court, etc., Statement of Points and Authorities, and Exhibit (116) fd.

Same Day Petitioner's Motion Ne Recipiatur as to Respondent's Appeal to the Supreme Court of the United States, and Statement of Points and Authorities (117) fd.

FILED - MAY 2, 1979

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES 1510 Guilford Avenue Baltimore, Maryland 21202 Petitioner	:	IN THE CIRCUIT COURT OF
vs.	:	BALTIMORE CITY
ALFRED M. STRICKLAND 4111 The Alameda Baltimore, Maryland 21218 Respondent	:	DOCKET: 179 FOLIO: A-937 FILE: A-79807

PETITION FOR INJUNCTIVE RELIEF TO PREVENT INTERFERENCE WITH CUSTODY OF MINOR

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of the Department of Social Services of Baltimore City by BENJAMIN L. BROWN, City Solicitor, and and SANDRA R. GUTMAN, Assistant Solicitor, BERNARD A. GREENBERG, Assistant Solicitor, respectfully represents unto your Honor that:

1. The Department of Social Services of Baltimore City is charged with the responsibility of child welfare services by the Annotated Code of Maryland, Article 88A, Section 3(a).

2. SHIRLEY RICHARDS, born October 14, 1964, was committed to the Department of Social Services of Baltimore City as a Child in Need of Assistance on November 23, 1971 by the Circuit Court of Baltimore City, Division for Juvenile Causes, Docket Number 152814.

3. On or about May 19, 1979 ALFRED M. STRICKLAN located SHIRLEY RICHARDS after reading about her in a Sunda Sun column by Michael Olesker.

4. From May 1979 continuing until the present ALFRED M. STRICKLAND has interfered with Petitioner's custody

of SHIRLEY RICHARDS in that:

a. he has on one occasion loaded SHIRLEY's belongings in his car and prepared to drive her away from the foster home but was stopped by the Howard County Police;

b. he has sent SHIRLEY gifts and letters which were inappropriate to a child of her age and emotional status;

c. he has recently proposed marriage in two letters to her;

d. he has intimidated the foster mother by written threats that someone other than SHIRLEY or himself would get hurt.

5. The Department of Social Services of Baltimore City has requested ALFRED M. STRICKLAND to terminate all contact with SHIRLEY RICHARDS; the state Department of Human Resources, Social Services Administration, has concurred in this decision and has so notified MR. STRICKLAND.

WHEREFORE, Petitioner prays this Honorable Court to issue an injunction ordering ALFRED M. STRICKLAND to refrain from any visits and communications with SHIRLEY RICHARDS and her foster family.

Ernestine F. Jones

ERNESTINE F. JONES
Acting Director
Department of Social Services
of Baltimore City

PETITIONER

/s/
BENJAMIN L. BROWN
City Solicitor

/s/
BERNARD A. GREENBERG
Assistant Solicitor
Law Department
City Hall
100 Holliday Street
Baltimore, Maryland 21202
Telephone: 396-3200

ATTORNEYS FOR DEPARTMENT OF SOCIAL SERVICES OF BALTIMORE CITY

/s/
SANDRA R. GUTMAN
Assistant Solicitor

A.7

I do solemnly declare and affirm under penalties of perjury that the contents of the foregoing Petition are true and correct to the best of my information, knowledge and belief.

Ernestine F. Jones

ERNESTINE F. JONES
Acting Director
Department of Social Services
of Baltimore City

FILED - FEB. 22, 1980

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES	*	IN THE
	*	CIRCUIT COURT
Petitioner	*	OF
vs.	*	BALTIMORE CITY
ALFRED M. STRICKLAND	*	Docket: 119 A
Respondent	*	Folio: 927
	*	File: A 59207

* * * * * * * * * * * * * *

APPEARANCE OF COUNSEL

Comes now Lawrence R. Daniels, Esq., who enters his appearance on the above captioned matter on behalf of the Respondent, Alfmd M. Strickland.

Lawrence R. Daniels

LAWRENCE R. DANIELS
305 W. Chesapeake Avenue
Suite 103
Towson, Maryland 21204
823 6353
Attorney for Respondent

I hereby certify that on this 22nd day of February, 1980, a copy of the aforegoing Appearance of Counsel was hand delivered to Bernard A. Greenberg, Esq., Assistant Solicitor, LL4, City Hall, Baltimore, Maryland 21202, attorney for the Petitioner.

Lawrence R. Daniels

LAWRENCE R. DANIELS

DANIELS AND GRIMM
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305 W CHESAPEAKE AVE
TOWSON, MD 21204
TEL (301) 823-6353

FILED- FEB. 22, 1980

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES	:	IN THE
	:	CIRCUIT COURT
Petitioner	:	OF
-vs-	:	BALTIMORE CITY
ALFRED M. STRICKLAND	:	Docket: 119A
Respondent	:	Folio: 927
	:	File: A-59207
	:	

: : : : : : : : : : :

CONSENT ORDER

UPON THE CONSENT OF THE PARTIES HERETO, BY THEIR RESPECTIVE COUNSEL, IT IS THIS 22nd DAY OF February, 1980, BY THE CIRCUIT COURT OF BALTIMORE CITY,

ORDERED THAT Alfred M. Strickland, Respondent, be and is hereby enjoined from having any visits and communications, directly or indirectly with Shirley Richards, minor child, and her foster family, pending a hearing in open court on the Petition For Injunctive Relief To Prevent Interference With Custody Of Minor, filed by the Department of Social Services of Baltimore City in the above captioned matter.

Edgar F. Silver
JUDGE

CONSENTED TO
BY:

Lawrence R. Daniels
LAWRENCE R. DANIELS
Attorney for Alfred M. Strickland, Respondent

AND BY:

Benjamin L Brown
BENJAMIN L. BROWN
City Solicitor

Bernard A Greenberg.
BERNARD A. GREENBERG
Assistant Solicitor

Sandra R. Gutman
SANDRA R. GUTMAN
Assistant Solicitor

Attorneys for
Department of Social Services
of Baltimore City

TRUE COPY
TEST
Ronald J. Lilly
CLERK

A.10

FILED- JUNE 2, 1980

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES 1510 Guilford Avenue Baltimore, Maryland 21202 Petitioner vs. ALFRED M. STRICKLAND 4111 The Alameda Baltimore, Maryland 21218 Respondent	*	IN THE CIRCUIT COURT OF BALTIMORE CITY Docket: 119A Folio: 927 File: A-59207

* *

ORDER

Upon the foregoing Petition For Injunctive Relief To Prevent Interference With Custody Of Minor filed by the Baltimore City Department of Social Services, Petitioner, in the above captioned matter, all parties having been represented by counsel and testimony having been taken, it is this 2nd day of June 1980, by the Circuit Court of Baltimore City,

ORDERED that, Alfred M. Strickland, Respondent, in the above captioned matter, shall not initiate any visits and communications directly or indirectly with Shirley Richards, minor child, and her foster family, and

IT IS FURTHER ORDERED that Alfred M. Strickland, Respondent, in the above captioned matter, shall not interfere in any manner whatsoever with the foster care placement of Shirley Richards, minor child, and

IT IS FURTHER ORDERED that, all pending proceedings, motions and counter-claims filed by Alfred M. Strickland, Respondent, in the above captioned matter be and are hereby dismissed.

JUDGE

APPROVED AS TO FORM:

LAWRENCE R. DANIELS
Attorney for Alfred M. Strickland
Respondent

AND BY:

BENJAMIN L. BROWN
City Solicitor

BERNARD A. GREENBERG
Assistant Solicitor

SANDRA R. GUTMAN
Assistant Solicitor

Attorneys for Department of Social Services of Baltimore City

A.12

FILED - JULY 22, 1985

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES 1510 Guilford Avenue Baltimore, Maryland 21202 Petitioner vs. ALFRED M. STRICKLAND 4111 The Alameda Baltimore, Maryland 21218 Respondent	*	IN THE CIRCUIT COURT OF BALTIMORE CITY DOCKET: 119A Folio: 927 FILE: A-59207

* * * * * * * * * * * * * * * * *

PETITION TO HOLD RESPONDENT IN CONTEMPT OF COURT AND ISSUE SHOW CAUSE ORDER

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Department of Social Services of Baltimore City, Petitioner, by its attorneys, BENJAMIN L. BROWN, City Solicitor, and BERNARD A. GREENBERG, Assistant Solicitor, respectfully represents that:

1. The Department of Social Services of Baltimore City is charged with the responsibility of child welfare services by the Annotated Code of Maryland, Article 88A, Section 3 (a).

2. SHIRLEY RICHARDS, born October 14, 1964, was committed to the Department of Social Services of Baltimore City as a Child in Need of Assistance on November 23, 1971 by the Circuit Court of Baltimore City, Division for Juvenile Causes, Docket Number 152814, and further that she remains committed to said Department at this time.

3. By Order of the Circuit Court of Baltimore City, dated June 2, 1980, Respondent, ALFRED M. STRICKLAND, is enjoined from initiating any visits, communication, directly or indirectly with SHIRLEY RICHARDS, minor child, and her foster mother.

4. By virtue of the above mentioned June 2, 1980 Order Respondent, ALFRED M. STRICKLAND, is enjoined from interfering in any manner whatsoever with the foster care placement of SHIRLEY RICHARDS.

5. Shortly after the issuance of the above mentioned Order, Respondent, ALFRED M. STRICKLAND, had a neighbor call SHIRLEY RICHARDS and advise her that he would re-open the case if SHIRLEY did not call him.

6. On numerous occasions after June 2, 1980, Respondent, ALFRED M. STRICKLAND, visited with SHIRLEY at her school, Hammond High School, Columbia, Maryland, and further on some occasions he has taken her from the school grounds.

7. On several occasions since June 2, 1980 Respondent, ALFRED M. STRICKLAND, has visited with Shirley at the home of her sister, NANCY AKERS, in Annapolis, Maryland.

8. Since June 2, 1980 Respondent, ALFRED M. STRICKLAND, has given SHIRLEY money and other gifts.

9. On July 16, 1980 Respondent, ALFRED M. STRICKLAND, and SHIRLEY's sister, NANCY AKERS, arrived at SHIRLEY's foster home, packed up all of SHIRLEY's belongings, and left with SHIRLEY going with them.

10. As a result of the activities of Respondent, ALFRED M. STRICKLAND, enumerated in the above paragraphs, Respondent has constantly violated said Court's Order.

WHEREFORE, Petitioner prays that this Honorable Court:

1. Pass an Order requiring the Respondent, ALFRED M. STRICKLAND, to show cause why, if any, he should not be held in contempt of this Honorable Court's Order of June 2, 1980.

2. Hold Respondent, ALFRED M. STRICKLAND, in contempt of its June 2, 1980 Order.

3. AND for such other and further relief as may be necessary and proper.

GEORGE G. MUSGROVE
Director
Department of Social Services
of Baltimore City

PETITIONER

BENJAMIN L. BROWN
City Solicitor

BERNARD A. GREENBERG
Assistant Solicitor
Law Department, City Hall
100 Holliday Street
Baltimore, Maryland 21202
Telephone: 396-3200

ATTORNEYS FOR DEPARTMENT OF SOCIAL SERVICES OF BALTIMORE CITY

I do solemnly declare and affirm under penalties of perjury that the contents of the foregoing Petition are true and correct to the best of my information, knowledge and belief.

GEORGE G. MUSGROVE
Director
Department of Social Services
of Baltimore City

FILED SEPT. 25, 1980

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES Petitioner vs. ALFRED M. STRICKLAND Respondent	•	IN THE CIRCUIT COURT OF BALTIMORE CITY Docket: 119A Folio: 927 File No.: A-59207

ORDER

The Petition To Hold Respondent In Contempt Of Court and Issue Show Cause Order filed by the Baltimore City Department of Social Services, Petitioner, in the above captioned matter, having come on for hearing in open court, all parties having been represented by counsel and evidence having been considered it is this 25th day of September 1980, the finding of the Circuit Court of Baltimore City that Alfred M. Strickland, Respondent, has violated the Order of this Court, dated June 2, 1980, and that therefore he is hereby found to be in contempt of this Court for violation of said Order.

Further, it is on this day by the Circuit Court of Baltimore City, ORDERED that there be no contact whatsoever either directly or indirectly, verbally or non-verbally, by telephone, letter, mail, message, by courier or by a third party or by any means of communication whatsoever between Alfred M. Strickland, Respondent, and Shirley Richards, minor child, and between Alfred M. Strickland, Respondent, and Norma Myers, foster parent.

It is further ORDERED that there shall be no exchange or delivery of gifts directly or indirectly by courier or by a third party or by any other manner whatsoever between Alfred M. Strickland, Respondent, and Shirley Richards, minor child.

It is further ORDERED that Alfred M. Strickland, Respondent, shall not directly or indirectly interfere or attempt to interfere in any manner whatsoever with the foster care placement of Shirley Richards, minor child.

It is further ORDERED that Alfred M. Strickland, Respondent, shall forthwith contact the Medical Office of the Supreme Bench of Baltimore City and arrange for that office to perform a psychiatric and psychological evaluation of him.

JUDGE

APPROVED AS TO FORM

LAWRENCE R. DANIELS
Attorney for Alfred M. Strickland, Respondent

TRUE COPY
TEST

CLERK

AND BY

/s/
BENJAMIN L. BROWN
City Solicitor

/s/
BERNARD A. GREENBERG
Assistant Solicitor

Attorneys for Department of Social
Services of Baltimore City

FILED: FEB 4, 1981

ALFRED M. STRICKLAND	:	IN THE
Appellant	:	COURT OF SPECIAL APPEALS
-vs-	:	OF MARYLAND
BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES	:	September Term, 1980
Appellee	:	No. 1429

: : : : : : : : : : : : : : :

MOTION TO DISMISS APPEAL

The Baltimore City Department of Social Services, Appellee, by its attorneys, Benjamin L. Brown, City Solicitor, William Hughes, Associate City Solicitor, Bernard A. Greenberg, Assistant City Solicitor, and William R. Phelan, Jr., Assistant City Solicitor, moves, pursuant to Maryland Rule 1036, that this Honorable Court dismiss the appeal filed by Alfred M. Strickland, and for reasons, says:

1. The judgment being appealed from was entered in a case of civil contempt.

2. Under Maryland Rule 1028, the Appellant was required to file a printed record extract at the same time as the Appellant's brief was filed.

3. The Appellant's brief and record extract were to be filed on or before February 2, 1981.

3. Counsel for the Appellee have communicated with the Clerk's office and determined that the Appellant has not filed a printed record extract, either as an appendix to his brief or as a separate volume. None of the elements required by Maryland Rule 1028 b 1 are contained in the Appellant's submission to the Court.

5. Maryland Rule 1031 c 3 requires that the Appellant's brief contain the citation and verbatim text of all pertinent constitutional provisions, statutes, ordinances, rules and regulations.

6. The Appellant's brief contains no such citations and verbatim text as required by Maryland Rule 1031 c 3.

7. Maryland Rule 1031 c 4 requires that the Appellant's brief contain a "clear concise statement of the facts material to a determination of the questions presented." The Appellant's brief contains no clear concise statement as

required.

3. The Appellant's brief fails to limit itself to a consideration of the judgment appealed from.

WHEREFORE, the Appellee prays that this Honorable Court dismiss the appeal pursuant to Maryland Rule 1035b.

/s/
BENJAMIN L. BROWN
City Solicitor

/s/
WILLIAM HUGHES
Associate City Solicitor

/s/
BERNARD A. GREENBERG
Assistant City Solicitor

/s/
WILLIAM R. PHELAN, JR.
Assistant City Solicitor

Department of Law
City Hall, 100 Holliday Street
Baltimore, Maryland 21202
Telephone: 396-4094

Attorneys for Appellee

MEMORANDUM OF POINTS AND AUTHORITIES

Maryland Rule 1028

Maryland Rule 1031c

Maryland Rule 1035

Maryland Rule 1036

Bonner v. Calvert Distillers Corp., 196 Md. 475 (1950)

State v. Roll, 267 Md. 714 (1973)

/s/
BENJAMIN L. BROWN
City Solicitor

/s/
WILLIAM HUGHES
Associate City Solicitor

/s/
BERNARD A. GREENBERG
Assistant City Solicitor

/s/
WILLIAM R. PHELAN, JR.
Assistant City Solicitor

Department of Law
City Hall, 100 Holliday Street
Baltimore, Maryland 21202
Telephone: 396-4094

Attorneys for Appellee

ALFRED M. STRICKLAND	:	IN THE
Appellant	:	COURT OF SPECIAL APPEALS
-vs-	:	OF MARYLAND
BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES	:	September Term, 1980
Appellee	:	No. 1429

: : : : : : : : : : : : : : :

ORDER

Upon the aforegoing Motion to Dismiss Appeal, it is this _____ day of _____, 1981, by the Court of Special Appeals of Maryland,

ORDERED, that the Motion to Dismiss Appeal filed by the Baltimore City Department of Social Services, Appellee, be and the same is hereby granted, and the appeal dismissed.

_____
JUDGE

I hereby certify that on this 4th day of February, 1981, copies of the foregoing Motion to Dismiss Appeal, Memorandum of Points and Authorities and proposed Order were mailed to Alfred M. Strickland, 4111 The Alameda, Baltimore, Maryland 21218.

/s/
WILLIAM R. PHELAN, JR.
Assistant City Solicitor

Alfred M. Strickland

IN THE

FILED - FEB 8, 1981

COURT OF SPECIAL APPEALS

OF MARYLAND

ALFRED M. STRICKLAND	*	
Appellant	*	No. 1429
v.	*	September term 1980
BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES	*	
	*	
Appellee	*	

STATEMENT

In regards to Appellee's Motion to Dismiss: It is the purpose of our courts to dispense justice not rules of procedure.

Appellant is not a lawyer and he cannot afford a lawyer. Appellant's "Questions to the Court" was designed to show the inequality of this battle between Appellant with his almost non-existent resources and almost non-existent knowlege of the law on the one hand, and the State with its comparatively unlimited resources and the Baltimore City Law Department with its legal knowledge and years of practice.

It is Appellant's right under the sixth Amendment to be represented by counsel and to have counsel appointed for him if he cannot afford Counsel.

In his "Questions to the Court," appellant asked this Court to appoint counsel for him.

In this mess, the Baltimore city Law Department has violated every principle, rule and element of fair play, justice, due process, professional ethics, morality and common decency.

The members of the Baltimore City Law Department know that the original court order by Judge Silver was issued only because of perjured testimony by Norma Myers and because Miss Richards could only have been under duress, because she had been terrorized and intimidated by said Norma Myers.

They know that, because the discrepancy between the testimony before Judge Silver and the testimony at the trial before Judge Dorf shows that it must be true.

They also know it because they are in possession of copies of affidavits which show that Norma Myers' testimony at that hearing was perjury and that the

statements made by Miss Richards at that hearing were not a true statement of her feelings and desires, that they could only have been made because she had been terrorized and intimidated by said Norma Myers. This is also shown by the testimony of Miss Richards and others at the trial before Judge Dorf, which directly contradicts the testimony at the hearing before Judge Silver.

One of those affidavits which are in the possession of Counsel for Appellee is by Karen Troxell, who was with Norma Myers from before Miss Richards was placed there until after the trial before Judge Dorf. That affidavit not only shows that Norma Myers' perjured herself at the hearing before Judge Silver and that the statements made by Miss Richards at that hearing were untrue, it also shows that Norma Myers also perjured herself at the trial before Judge Dorf.

The Baltimore City Law Department has proved conclusively, beyond the least possibility of any doubt, that they just couldn't care less that Appellant is completely innocent, that they just couldn't care less that those court orders were obtained only because of perjured and coerced testimony and they have proved just as conclusively that all they are interested in is convicting Appellant and that they haven't the slightest hesitation or compunction in using whatever means might be at hand, whether fair or foul, moral or immoral, legal or illegal, ethical or unethical.

Which is as much as to say that they are determined that if it lies within their power, Appellant shall never receive justice.

And, of course they know that Judge Dorf grossly misinterpreted the court order by Judge Silver, that when Appellant's counsel failed to correct that misinterpretation, Mr. Greenberg deliberately allowed it to continue uncorrected, and still allows it to continue uncorrected.

Every action, every proceeding from the beginning of this mess has been in violation of Appellant's right to fair play, to justice, to due process and to equal protection under the laws.

Our laws, our Constitutions and justice are on the side of Appellant. The rules of procedure and injustice stand on the side of Appellee and Counsel for Appellee.

Our laws and our Constitutions are completely without meaning, only worthless scraps of paper, unless the rights under those laws and the Constitutions of the United States and the State of Maryland are enforced by our courts.

So far, Appellant has received short shrift indeed from our courts. His legal and constitutional rights have been violated just as surely, even though that was unintentional, by the courts as they have by Appellee and Counsel for Appellee.

Much of the Baltimore City Circuit Court's time has been needlessly wasted because of this vendetta against Appellant by Appellee and Counsel for Appellee and their unconscionable denial of his legal and constitutional rights.

More time and effort has been needlessly wasted in this Court by the actions of Appellee and Counsel for Appellee. And if they have their way, more of this Court's time will be needlessly wasted, as well as the time and effort of even higher courts, until in the end it will be the time and effort of the United States Supreme Court which is wasted.

It depends entirely upon this Court as to how much more of this Court's time is needlessly wasted and whether the time of even higher courts is needlessly wasted.

The issues are clear. There is nothing ambiguous about those issues or about the questions before this Court.

Nothing can be more certain than that every action and every proceeding against Appellant has been unconstitutional. There can be no slightest question but that every action and every proceeding against Appellant are so fundamentally lawless that they are nullities. There can be no question but that every judgement and every order against Appellant are so fundamentally lawless that they are nullities.

There can be no question whatever that those judgements and orders against Appellant are so fundamentally lawless that they are legally unenforcable.

However, even though those judgements and orders are nullities and legally unenforcable, there is little doubt but that if the court decreed a jail sentence for going contrary to those orders, Appellant would go to jail. Is that Justice?

* * * * * * * * * * *

Appellant's question is this: Will this Court dispense justice or injustice; will it dispense justice or will it dispense rules of procedure; will this Court see to it that this vendetta against Appellant by Defendant and Counsel for Defendant ends here and now, or is it to be carried into even higher courts and their time also needlessly wasted?

"Upon the state courts, equally with the courts of the Union, rests the obligation to guard and enforce every right secured by that constitution. Robb v. Connolly, 111 U.S. 624, 637, 4 S.Ct. 544, 28 L.Ed. 542."
Mooney v. Holohan, 294 U.S. 103, 113, 55 S.Ct. 340m 342 (1935)

". . . . As the Court stated in Union Pacific Railway Co. v. Botsford, 141 U.S. 250, 251, 11 S.Ct. 1000, 1001, 35 L.Ed. 734 (1891):

> 'No right is held more sacred, or is more carefully guarded, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law. As well said by Judge Cooley, "The right to one's person may be said to be the right of complete immunity: the right to be let alone." ' " Richards v. Thurston, 424 F.2d. 1281, 1285 (1970)

In this case, there isn't merely the lack of clear and unquestionable authority of law, there is a complete lack of even the faintest suggestion of authority of law.

The members of the Baltimore City Law Department are deliberately using and abusing their positions of trust and responsibility to subvert justice; they are deliberately using this Court, even as they used the Circuit Court of Baltimore City, in the furtherance of their own illicit and reprehensible ends.

Will this Court allow itself to be used for evil and nefarious purposes? or will it grant Appellant the justice which is so rightfully his?

Alfred M. Strickland

Alfred M. Strickland, Attorney pro se

CERTIFICATE OF SERVICE

I, Alfred M. Strickland, certify that I have served a copy of the aforegoing Statement on Benjamin L. Brown, City Solicitor, Counsel for Appellee, by mailing, on February 8 1981. I also certify that I served copies of the affidavits referred to in said Statement on Benjamin L. Brown, by mailing, previously.

Alfred M. Strickland

Alfred M. Strickland

FILED: FEB 9, 1981

ALFRED M. STRICKLAND	:	IN THE
Appellant	:	COURT OF SPECIAL APPEALS
-vs-	:	OF MARYLAND
BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES	:	September Term, 1980
	:	No. 1429
Appellee	:	
	:	

: : : : : : : : : : : : : : :

ORDER

Upon the aforegoing Motion to Dismiss Appeal and response thereto, it is this 9th day of February, 1981, by the Court of Special Appeals of Maryland,

ORDERED, that the Motion to Dismiss Appeal filed by the Baltimore City Department of Social Services, Appellee, be and the same is hereby granted, and the appeal dismissed. Md. Rule 835 b. 7.

CHIEF JUDGE Thomas H. Gilbert

JUDGE Ridgely P. Melvin

JUDGE James F. Couch, Jr.

DEPARTMENT OF SOCIAL SERVICES,	*	IN THE
Petitioner		CIRCUIT COURT
V.	*	OF
		BALTIMORE CITY
ALFRED M. STRICKLAND,	*	
Respondent		CCA-59207
	*	

* * * * * * * * * * * * * * * * * *

BEFORE: THE HONORABLE EDGAR P. SILVER, JUDGE

APPEARANCES:

Bernard A. Greenberg, Esquire
on behalf of the Petitioner

Laurence R. Daniels, Esquire
on behalf of the Respondent

REPORTED BY:

Robert Gavin Oddo,
Official Court Reporter

Tuesday,
May 20, 1980
Court House
Baltimore City
Maryland 21202

(THE FOLLOWING DISCUSSION TOOK PLACE IN CHAMBERS:)

THE COURT: My only purpose in bringing you in here, as you know, the hearing today is for the purpose of finding out whether or not you want Mr. Strickland to be with you, and I thought I would talk to you personally and have you tell me how you feel about Mr. Strickland and whether or not you want to be with him.

SHIRLEY RICHARDSON: What do you mean, be with him?

THE COURT: Well, he says he is interested in you. He wants to see you all the time. Just tell me, honestly, do you want this man kept away from you? Tell me.

SHIRLEY RICHARDSON: Yes.

THE COURT: Tell me why.

SHIRLEY RICHARDSON: I am afraid of him.

THE COURT: You don't want him ever to be around you?

SHIRLEY RICHARDSON: No.

THE COURT: Has he ever said anything to you or anything --

SHIRLEY RICHARDSON: He asked me to marry him a couple of times.

THE COURT: That frightens you?

SHIRLEY RICHARDSON: Yes, very much.

THE COURT: Did you want to say anything, the foster mother? You are Mrs.?

MRS. MYERS: I am Mrs. Myers. Every time Mr. Strickland has any contact at all with Shirley, she is an emotional wreck for a couple of days afterwards. She can't sleep.

THE COURT: He really upsets you?

SHIRLEY RICHARDSON: Yes.

THE COURT: I am going to protect you and tell him today, he is not interested in hurting you, but tell him to stay away from you, because if he truly likes you, he should stay away because it is upsetting to you. Is that what you want?

SHIRLEY RICHARDSON: Yes, sir.

THE COURT: Is there anything else that you want to tell me, that I should know?

MRS. MYERS: Well, she said something about some kind of contact. He wants to be able to have some kind of contact with her. She doesn't want any contact. If he feels like he wants to have a part in taking care of her, the only thing I agree to is, if he wants to send her money, to put it in a bank account. I don't want it, but if he has to, then --

THE COURT: You mean directly and indirectly?

MRS. MYERS: Right.

THE COURT: Don't be afraid any more, because we are going to talk to him today. The court is going to back you up. You just go ahead.

SHIRLEY RICHARDSON: Do I have to take the stand?

THE COURT: No.

SHIRLEY RICHARDSON: Okay.

THE COURT: You won't have to take the stand. You are telling me this now. Mr. Strickland's lawyer is here. He is Mr. Daniels, and we are going to talk to Mr. Strickland and tell him how you feel. Is there anything further that you want to tell me?

MRS. MYERS: No. She didn't want to take the stand because she was afraid she would have to take the stand and look at him, and she didn't want to do that in court.

THE COURT: Did you want to ask her anything?

MR. DANIELS: No.

THE COURT: I am going to release you as quickly as possible, so you can get out of the court house.

MR. DANIELS: Let me introduce you to Mr. Alfred Strickland. This is His Honor, Judge Silver.

MR. STRICKLAND: How do you do.

THE COURT: Mr. Strickland, the purpose in bringing you in here this morning, first of all, I admire your lawyer. He is a very fine man. We understand and admire your feelings in this matter, but I just had this young lady

in here, Shirley, and she has just disclosed to me in very, very strong terms, I know you want to see the best for this child. Is that right?

MR. STRICKLAND: I can tell you? She is scared, too scared to death of that woman. She is not going to say anything to anybody.

THE COURT: I want to know at this point, the child is under the jurisdiction of the Department of Social Services as a result and in effect, they are her protectors, and I have a duty to inform you that this child herself, not anyone else, this child herself told me that she wants to live where she is living now, with you not being around her, bothering her.

MR. STRICKLAND: May I say something? From the time I have known Shirley, I have called her, I know, of once. She has always called me when she wanted me. I have --

THE COURT: All right. If she doesn't call you, then there is no problem?

MR. STRICKLAND: I have never --

THE COURT: So, in other words, you are telling me that you won't make any initial move?

MR. STRICKLAND: Right.

THE COURT: If she doesn't make any moves, you do not. You understand that it is for the best interest, and I am talking to you as a friend, because I have the respon-

sibility, as you know, to uphold the law in this matter, and I think it is for your best interest that if she does not contact you, that you do not contact her.

MR. STRICKLAND: I never have.

THE COURT: Did you want to say anything?

MR. STRICKLAND: But --

THE COURT: At this point, it is not for you to determine. She is under the jurisdiction of the Department of Social Services, and I feel very, very strongly about this, and I am here with your interests in mind. I want him to hear this because we are doing this for your best interest.

You are a very fine christian man. I want you to live a good life, but do not make any moves towards this child any more. Do you understand?

MR. STRICKLAND: I have never.

THE COURT: All right, sir. Mr. Daniels, do you want to say anything?

MR. DANIELS: Mr. Strickland has impressed me as someone who has Shirley's best interests in mind.

THE COURT: I appreciate that, and I am talking to the child. I think it is extremely important because of your best interest in this child, you make no initial moves towards her.

MR. STRICKLAND: I asked my lawyer to move, if necessary, for a lie detector test and psychiatric examination.

THE COURT: He will protect your interests. That is your right, and I am glad, it is extremely important that you do nothing on your own without consulting your lawyer; do you understand? Do not make any moves without your lawyer.

MR. STRICKLAND: Now, when she calls me --

THE COURT: She has informed me that she does not wish to call you, and that if she does not call you, you will not call her.

MR. STRICKLAND: I can only remember one time. May I tell you about that? I am sorry.

THE COURT: I think what we want to do is look to the future and not look to the past. Don't look back; just look ahead. We are starting this slate real clean. We have an understanding, that you are a very fine, sensitive, intelligent man, and we appreciate that. We appreciate your interest in your fellow human beings. This is a very high christian value that you have, and I appreciate that, but the fact remains that this young lady has informed me, and I have a duty to tell you, she is under the jurisdiction of the Department of Social Services, and you have a good lawyer, and if there is anything you want to do, you should do it through your lawyer, and do not do anything to this child.

MR. STRICKLAND: I never have, and I thought from the very beginning, when you hurt time after time like that,

you get to the place where you start to love somebody, and you are scared. It happened to me. When I met one of the witnesses out here, found two of his children, I lost my wife, but I knew the children weren't going to hurt him, but I was scared to death they wouldn't let me see the children any more.

THE COURT: Stay away from this child; do you understand? She doesn't bother you. You stay away.

MR. STRICKLAND: I have all the time.

THE COURT: All right. Thank you. Anything further?

MR. DANIELS: Nothing.

MR. STRICKLAND: Now, there is no injunction against me? I won't call her in this case.

THE COURT: This case we have made a record of, in which you have promised me on the record that you will not make any moves towards this child. Right, sir?

MR. STRICKLAND: Right.

THE COURT: Thank you.

MR. STRICKLAND: Now, explain what you mean by moves.

THE COURT: I don't want you to call or physically try to be around this child unless she requests it, and at this point she told me in very strong terms that she does not want to be around you.

MR. DANIELS: Does that include him not writing

to her?

THE COURT: Yes.

MR. STRICKLAND: If she says, calls me and says, "Come out and buy me a pizza," that is all right?

THE COURT: She has told me that she doesn't want to —

MR. STRICKLAND: I am saying, if she does?

THE COURT: You call your lawyer right away. Call your lawyer right away. Mr. Greenberg, is there anything further?

MR. DANIELS: Nothing.

MR. STRICKLAND: I want this suit from the Department of Social Services over.

THE COURT: It is over unless something else happens. Just stay away from the child. You are going to draw up the order?

MR. DANIELS: Mr. Greenberg wants to discuss it with you.

(WHEREUPON, there was an off-the-record discussion.)

THE COURT: Continuing the matter of the Department of Social Services v. Alfred Strickland, the matter is agreed upon by both counsel, Mr. Daniels for Mr. Strickland, and Mr. Greenberg, counsel for the Department of Social Services, that all pending motions are hereby dismissed and

A.36

counter claims, and that an order will be effective as to what took place this very day, and will be drawn by you. Are you going to draw it, Mr. Greenberg?

MR. GREENBERG: I will draw it.

THE COURT: Draw it and send a copy of it to Mr. Daniels for his approval and then to this court for my signature.

* * * * * * * * * * *

REPORTER'S CERTIFICATE

I, Robert Gavin Oddo, an Official Court Reporter of the Supreme Bench of Baltimore City, do hereby certify that I stenographically recorded the proceedings in the matter of Department of Social Services v. Alfred M. Strickland in the Circuit Court of Baltimore City, Case No. CCA-59207, on May 20, 1980.

I further certify that the foregoing pages constitute the official transcript as transcribed under my direction from my stenographic notes in a complete and accurate manner.

In witness whereof, I have hereunto set my hand this 12th day of November, 1980.

R G Oddo

Official Court Reporter

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES,
Petitioner

V.

ALFRED M. STRICKLAND,
Respondent

* IN THE CIRCUIT COURT OF BALTIMORE CITY

CCA 59207

* * * * * * * * * * * * * * * * * * *

BEFORE: THE HONORABLE PAUL A. DORF, JUDGE

APPEARANCES:

Bernard Greenberg, Esquire
on behalf of the Petitioner

Laurence R. Daniels, Esquire
on behalf of the Respondent

REPORTED BY:

Robert Gavin Oddo,
Official Court Reporter

Wednesday,
September 10, 1980
Court House
Baltimore City,
Maryland 21202

P-R-O-C-E-E-D-I-N-G-S

THE COURT: I am calling the case of the Department of Social Services v. Alfred M. Strickland.

MR. GREENBERG: Bernard Greenberg, representing the Department of Social Services.

MR. DANIELS: Laurence R. Daniels, representing Mr. Strickland, Towson, Maryland, Your Honor.

THE COURT: All right. Mr. Greenberg, it is your petition. Take a look.

MR. GREENBERG: Your Honor, I believe we would like to make a brief statement to the court before we begin. This particular petition that we are here on today was as a result of an order that was given by the court, ordering Mr. Strickland not to interfere with the Department of Social Services placement.

THE COURT: That is the order of Judge Watts in 1980 or a prior order?

MR. GREENBERG: No. That is the order of Judge Silver.

THE COURT: Do you have any idea when?

MR. GREENBERG: June 2nd, 1980. In June, Judge Silver ordered that Alfred M. Strickland shall not initiate any visits or contacts or communications directly or indirectly with Shirley Richardson, the minor child, and her foster family. Shirley Richardson, Your Honor, is a minor child in

care and committed to the care and custody of the Department of Social Services and placed in foster care.

THE COURT: Is Shirley Richardson here?

MR. GREENBERG: Yes, sir.

THE COURT: Which one is Shirley Richardson?

(WHEREUPON, Shirley Richardson stood up in the courtroom.)

THE COURT: All right. Thank you.

MR. GREENBERG: Judge Silver also ordered Mr. Strickland not to interfere with the foster care of M's Shirley Richardson, the minor child.

Now, we are going to show that Mr. Strickland had initiated at least the original contact with Shirley after it was ordered, and we are also going to show that it won't make any difference whether Shirley Richardson did initiate any contact or whether he did, because he would still be in violation of the last paragraph of the order, which says that he is not to interfere with that foster care placement in any manner whatsoever.

That he, in fact, constantly attempted to influence Shirley against being in the care of her foster mother, and interfering with the foster placement.

That is it, Your Honor. I am going to offer a copy of the order in evidence as Petitioner's Exhibit 1. That is the order of June 2nd that I made reference to. I

would also offer a copy of the order, a true test copy of the order of commitment to The Department of Social Services as Petitioner's Exhibit 2.

THE COURT: All right. Any objection?

MR. DANIELS: No objection. None, Your Honor.

(WHEREUPON, Petitioner's Exhibit No. 1, described as Order of 6/2/80, marked and entered into evidence.)

WHEREUPON, Petitioner's Exhibit No. 2, described as order of commitment, was marked and entered into evidence.)

MR. GREENBERG: I call M's Norma Myers.

NORMA MYERS,

was called as a witness on behalf of the Petitioner, and after having been first duly sworn according to law, was examined and testified as follows:

THE CLERK: Would you state your full name and address for the record, please?

THE WITNESS: Norma Myers, 7760 Sharewood Drive, Jessup, Maryland.

DIRECT EXAMINATION

BY MR. GREENBERG:

Q M's Myers, it is all right. Relax and take your time. Now, could you kind of speak up a little bit so we

are able to hear you.

THE COURT: I want to keep the windows open. Otherwise, it is going to be stuffy in here. Meanwhile, I am getting the noises from outside, and that is why I am having some difficulty.

So, when your lawyer asks you questions, you will have to answer him, but if you answer him, try to speak into the microphone so we will all be able to hear you.

THE WITNESS: Yes, sir.

BY MR. GREENBERG:

Q Now, M's. Meyers, you are employed where? First, I will ask you that.

A I work at Western Electric, Baltimore, Maryland.

Q What do you do there?

A I am a financial clerk.

Q And how long have you been employed there?

A 18 years.

Q All right. And you are the foster mother that I made referance to in my opening statement? Is that correct?

A Yes.

Q Now, Shirley was placed in your care. Is that correct?

A That is right.

Q At the time that the court handed down the order

I made reference to, dated June 2nd, or directing Mr. Strickland not to do certain things with regard to the placement of Shirley at that particular time on June 2nd, she was still in your foster care. Is that correct?

A Yes, sir.

Q Now, she has left her foster care physically at this time. Is that correct?

A Yes.

Q When was that?

A July 16th.

Q And tell us what happened on July 16th.

A On July 16th, I got a telephone call from my neighbor asking me if I knew one of my girls was packing up and leaving home, and I said, no. I was not aware of it. She told me that there was a station wagon, along with an elderly man, across the street and that there was a small compact car with a pregnant woman in it, and they were packing her belongings into the cars.

So, at the time I hung up and I called home, and I asked Karen at the time if she knew what was going on, and she said, no. She said she knew that Shirley was leaving. So, I asked her --

Q Who is Karen?

A Karen is my other foster child, Karen Troxell. I asked her to call Shirley in, which she did. I asked Shirley

what was going on. She said she was leaving, and I told her that this was no way to do it, and that unless she stopped what she was doing immediately, I would have the Howard County Police down there within five minutes which I have done before, and with that, within five minutes, both cars left, one running down the street following the car with a bag in her hand. Shortly after that ---

Q Whose cars?

A It was a Pinto and a station wagon.

Q Who did they belong to?

A The station wagon belonged to Mr. Strickland. The Pinto belonged to Nancy Akers. Nancy somebody. Shirley's sister. I am not sure what the last name is.

Q Were any Shirley's belongings put in Mr. Strickland's automobile?

A Her belongings were put in both automobiles, yes.

Shortly after my phone call, I got, I guess, I called back home again. I am not sure if I called home or if Karen called me, saying that she had received a telephone call from Mr. Strickland saying that he did not want to be put in jail. He had no part in this.

Q Now, earlier, shortly after the order was passed, did Shirley tell you that she received a telephone call from a neighbor of Mr. Strickland's?

A Yes. She said that Gwynn called. First she received a phone call on 5/22 telling her not to give up, that Mr. Strickland still wanted to get her out of my home. Later she got a telephone call saying that if he did not call her, that Mr. Strickland was going to have the case re-opened. Between Shirley and Karen, they decided that if they pampered Mr. Strickland, and if they returned his telephone calls, just saw him a little bit in school, he would be satisfied, and he would not re-open the case and things would quiet down.

Q They tried to pacify him. Is that correct?

A That is right.

Q Now, did he come to see Shirley at school?

A Yes, he did. He took them both off the school property. Took them bowling, bought them sodas, took them out. I don't know what else he bought them. I heard that he took them bowling, and during school time. I have a hard enough time to keep them in school as it is without somebody coming and taking them out.

Q Where did Shirley go after she left her house?

A After she left my house, she went to her sister's house in Annapolis. Nancy.

Q Is that where she still is?

A Yes. Except last night she spent at my place so I could bring her here today.

Q And did she tell you that she was afraid of Mr.

Strickland?

A At first she said that she was afraid of him, and then she just said that she just liked what he could give her and --

Q What does he give her?

A Well, after she left me, he took her shopping and bought her some clothes, which both her and her sister took back and got the money, and he went out and bought her a television and a fan, which her and her sister sold. So, they went out, and turned around and bought her another fan, and a larger colored television, along with, who knows what else. He takes them down to the ocean. Oh, he has pictures taken. Buys them just about anything she asks for.

Q When did he take her down to the ocean?

A He took her down to the ocean twice, sometime in the midile of August and then he took her down Labor Day weekend, on a Sunday, with the intention of bringing her back Monday, and to the best of my knowledge, when they were ready to leave, the girls told him that they weren't ready to leave. Yet Shirley had an argument with Mr. Strickland, telling him she was just using him for his money, and he was a blind old fool, and he got mad and packed up the tent and they left, or then he left, left the two girls in Ocean City.

I received a telephone call from Nancy, about 8:00 o'clock Monday night, telling me that --

THE COURT: The two girls are Shirley and who?

THE WITNESS: Dawn. Dawn is a friend of Shirley's.

THE COURT: Do you know Dawn's last name?

THE WITNESS: Masina.

THE COURT: All right. Thank you.

THE WITNESS: Okay. About 8:00 o'clock, I got a telephone call from Nancy, telling me that Shirley was down at the ocean. She was in the hospital. They thought Dawn had a broken leg. She was taken to the hospital by ambulance. They had no way of getting home, but she wanted me to give her a call. So, we called Dawn's mother to let them know what was going on.

So, I called Dawn's mother, and she could not get transportation down there. Nancy was pregnant and knew about September 10th, today. She did not feel like she could make that trip. So, about -- finally about 9:00 o'clock, Dawn had her x-rays taken. It was not broken. It was very badly sprained. So, at that time I went down to the ocean and picked both girls up and took them back to Nancy's house.

Q Now, has he been sending Shirley any money?

A To my house after the trial? I don't believe. I wouldn't swear to it, because I have had complaints that a car has been stopping out in front of the house.

Q Has he been sending her money elsewhere?

A He has been giving her money at Nancy's, yes.

MR. DANIELS: Objection to that question, and answer.

THE COURT: I will sustain the objection.

BY MR. GREENBERG:

Q Now, I am going to show you --

THE COURT: I am sustaining the objection because you only know what you have been told. You are not personally aware that she was given any money at Nancy's?

THE WITNESS: Shirley told me.

MR. GREENBERG: The child told her. What did Shirley tell you?

THE WITNESS: Shirley told me that --

MR. DANIELS: That is hearsay.

MR. GREENBERG: The child.

THE COURT: The child is here. She is going to testify. I would like to know what she told her. If there is a conflict, I will get it from her.

BY MR. GREENBERG:

Q Let me show you a letter and ask if you can identify that?

A Yes. This is one of the many letters that Shirley gave me that she has received from Mr. Strickland.

Q Can you tell us --

A Both of his letters.

Q Can you summarize what that letter says, talking about as far as time is concerned, Your Honor. Rather than reading the whole letter, tell us what that letter says in essence.

A Well, this letter mostly tells her that she is a sweet, wonderful person. He loves her very, very much, and that I am no good, and that I'm mean, and evil and hateful, and that if she stays with me, she is going to turn out to be just like me, and I am telling her all kinds of lies. That he is good. He stands for love and God, and I am evil, and I stand for hate and the devil. I am the mother of liars. That I convinced her to lie in court. Basically that is what the letter says.

MR. GREENBERG: I am going to offer that as Petitioner's Exhibit 3.

THE CLERK: Petitioner's Exhibit 3, a letter dated July 7th, 1980.

(WHEREUPON, Petitioner's Exhibit No. 3., described as letter of 7/7/80, marked and entered into evidence.)

BY MR. GREENBERG:

Q Now, you also have two other letters from Mr. Strickland.

A.50

A Yes. This was one received the day after the trial.

Q What does that letter say?

A It says at the hospital that night I said I would die for her. You know what I speak but the simple truth. Love is of God. Hate is of the devil. They must all weigh hate and love will always win. You had your chance and you lost.

Q That is a postcard. Is that correct?

A Yes, sir.

Q That was addressed to you?

A That was addressed to me, and Mr. Strickland knew anytime I received correspondence from him, I would tell Shirley, which would upset her tremendously, and she would call Mr. Strickland. Therefore, I purposely did not tell her because I did not want her to break her part of the agreement where she would contact him first.

MR. GREENBERG: I would offer that postcard as Petitioner's Exhibit 4.

(WHEREUPON, Petitioner's Exhibit No. 4, described as postcard, marked and entered into evidence.)

BY MR. GREENBERG:

Q Do you also have a couple of letters?

A Yes, sir. I have one letter postmarked May 24th

which says, "When we were at the court house," it advised, I know your secret. "When we were in the court house Tuesday, someone told me what you are, but it took me until now to decide what to do about it.

"I understand now why she was in that state of terrible emotional shock and horror that day. I understand why she hates it there and she likes it at the same time; why she wants to leave and at the same time doesn't want to leave. She is beginning to like it, but it shall not happen to her.

"It explains why you are so determined that she shall not get away from you, and a lot of other things that I couldn't understand before. I was certain that it had to be much more than hatred, but that was one thing that had never occurred to me.

"My lawyer is putting me in touch with someone with plenty of political pull to launch a thorough, and I do mean thorough, investigation, outside of Social Services. Throwing that boy at her, and that poisonous litany of hatred would be enough.

"I am also filing an immediate appeal from that hearing Tuesday, based on a vaiolation of my constitutional rights. I had a beautiful case worked up. If I had had the slightest idea of what it would be like, I would never have consented. You would have been knocked right out of the

witness box. I believe I heard someone say that you have been thinking of giving up foster children, because they are getting to be too much for you. After having seen how very worn and haggard you looked Tuesday, it wouldn't surprise me in the least to hear that you have already decided on an immediate retirement from caring for foster children."

Signed, Nemesis.

MR. GREENBERG: I will offer that as Petitioner's Exhibit 5.

(WHEREUPON, Petitioner's Exhibit 5, described as letter, marked and entered into evidence.)

BY MR. GREENBERG:

Q Do you have any more letters?

A Yes. On May 27th, the date the letter that he sent me, the same letter, with two dollars and fifteen cents postage on it, so it would get here Special Delivery with a little handwritten added to it, saying:

"I have decided that you can keep your secret because I don't want her name connected to anything like that. It isn't her fault. But you can't keep those girls. And if you are smart, you will tell her there wasn't a word of truth in the stuff you have been handing her about me. If necessary, an investigation will include tracking down every girl who has stayed with you in the past."

MR. GREENBERG: I will offer that as Petitioner's Exhibit No. 6.

(WHEREUPON, Petitioner's Exhibit No. 6, described as "I know your secret now" letter, was marked and entered into evidence.)

BY MR. GREENBERG:

Q Do you have another one?

A This is a postcard where he identified himself as Nemesis.

Q What does he say?

A "I only know one person more despisable than that no good young pup. After what he has done to her, and all of the misery and heartache he has caused her, he doesn't even have the decency to stay away from her.

"You know very well that his intentions toward her are the very worst, that all he is interested in is using her. Yet you are throwing her at him and telling her that he loves her.

"You really do hate her, don't you? You hate her particularly because you haven't been able to cause her to hate me in spite of all of your efforts.

"Some people have consciences; some don't. You have one now and his name is 'Nemesis'. Nemesis was the God of Retribution.

"It has been quite awhile, but the time of retribution is drawing nearer and nearer. And you may be sure that even as the original Nemesis never failed, this 'Nemesis' shall not fail.

"Anyone who hurts her or tries to hurt her has to settle their account with me. How does it feel to have a conscience which won't let you alone? I would die for her. What would you do?

"Your conscience. Nemesis."

MR. GREENBERG: I would enter that as Petitioner's Exhibit 7.

(WHEREUPON, Petitioner's Exhibit No. 7 described as postcard, was marked and entered into evidence.)

MR. GREENBERG: Do you have any more letters?

THE WITNESS: Oh, I have lots of letters.

BY MR. GREENBERG:

Q Do you have a letter dated July 24th, 1980?

A Yes, sir.

Q And in that particular letter, is there a clause -- is there a sentence in there that says: "If my daughter had lived." Would you read that?

A "She isn't fit to have children, and you wouldn't be fit to have children. If my daughter had lived, I would rather see her dead than to become like Norma Myers.

I would rather see you dead than become like Norma Myers. I would rather see your baby dead than to become like Norma Myers."

MR. GREENBERG: I am going to offer the entire letter as Petitioner's Exhibit No. 8.

(WHEREUPON, Petitioner's Exhibit No. 8, described as a letter of 7/24/80, marked and entered into evidence.)

BY MR. GREENBERG:

Q Do you have a letter dated August 28th, 1980?

A Yes, sir. That is the letter, the part that is most interesting is --

Q Read it.

A "I am a man. For almost 17 years I have hardly even looked at a woman. I love you very, very much and because I do love you so terribly, terribly much, I am very strongly attracted to you sexually.

"In spite of all of my best intentions, the time might come when I am tempted more strongly than I can resist. If I ever am tempted beyond my power to resist, and anything happens, I would never forgive myself as long as I live."

MR. GREENBERG: I would offer that as Petitioner's Exhibit No. 9.

(Petitioner's Exhibit No. 9, described as letter dated 8/28/80, marked and entered into evidence.)

BY MR. GREENBERG:

Q Do you have a letter dated July 23rd?

A I probably have, but I --

Q Do you recall a letter to Nancy Akers?

A Oh, yes. I have that one.

THE COURT: Excuse me a minute. I want to give the stenographer a short break. He has gone since 10:00 o'clock. Let us take a short recess at this time.

M's Myers, you are under oath. Do not talk to your lawyer while we take a recess, but you can leave the witness stand. I would like to take a short recess at this time.

(WHEREUPON, a short recess was taken, after which the proceedings resumed in open court.)

THE COURT: M's Myers, would you resume the witness stand. All right. Be seated. You are still under oath. Just state your name and address.

THE WITNESS: Norma Myers, 7760 Sharewood Drive, Jessup, Maryland.

BY MR. GREENBERG:

Q M's Myers, I believe at the time that we took the

break that you were at the point of referring to -- beginning to refer to a letter dated July 21st, 1980.

A Yes.

Q To Nancy Akers?

A I had it, but I can't seem to find it.

Q Well, do you recall the letter?

A Yes.

Q Do you recall essentially what the letter said?

MR. DANIELS: Objection to this. This is multiple hearsay.

THE WITNESS: I have it.

MR. GREENBERG: Read it to --

THE WITNESS: "You have made the worst mistake of your life when you tried to blackmail me on the phone. You said plenty, and as you said you hoped I had my tape recorder going.

"You thought you were being smart, but you were only being stupid, and you walked right into it."

THE COURT: Who is that letter to?

THE WITNESS: To Nancy, Shirley's sister.

MR. GREENBERG: Keep reading.

THE WITNESS: "I don't know what the penalty is for blackmail in Maryland, but I figure that if I push it, you will get quite a few years.

"You picked on the wrong man when you tried to blackmail me, and that recording will be given to my lawyer tomorrow.

"And you just get on the stand and tell your lies about me that you are threatened to tell. Lying under oath is perjury, and if I remember right, it carries up to 20 years.

"I hope you do testify for Norma Myers. So help me God, you belong in jail if anyone ever did, and if you don't straighten up and fly right, that recording is going to be turned over to the police.

"The only reason I don't turn it over to the police now is because you are Shirley's sister.

"As for that car you are trying to swindle me out of, you don't have to sign anything. The court will order the Department of Motor Vehicles to issue a new title in my name and void the other one.

"Then if you hide the car, I will have you charged with auto theft. You thought that you were being smart when you said that Shirley told you that I tried to seduce her and kept screaming that you hoped that I was recording it, but all you did was to get yourself into the hottest water you have ever been in.

"Get this straight, Nancy. You don't scare anybody, and if either Shirley or I get any more of your crap,

that recording goes to the police, and I figure that you are in hot enough water with your bad checks and whatever else you have been up to, without being charged with blackmail.

"You can take your choice: Either keep out of my business and Shirley's, and leave her completely alone and stop trying to interfere with us, or that tapes goes to the police.

"The trouble with your little blackmail scheme is that Shirley never told you any such thing.

"So, you had better stop your ranting and raving and start to behave yourself if you don't want that tape to go to the police. BAH!!!" Signed, Al.

MR. GREENBERG: For the record, part of these letters are in red ink and part are in black ink. Is that correct?

THE WITNESS: Yes, sir.

MR. GREENBERG: I would offer that as Petitioner's Exhibit 10, the letter dated August 10th, 1980.

(WHEREUPON, Petitioner's Exhibit No, 10, described as letter to Nancy of 8/10/80, was marked and entered into evidence.)

BY MR. GREENBERG:

Q Do you have any tapes?

A Yes, sir. I have one tape here which just a

little portion of this says again that he would rather see her dead than to be living with me. Then I have one here --

Q All right. Go ahead.

MR. DANIELS: Mr. Strickland and I, we had a conversation among the three of us, that is, Mr. Greenberg and myself and you, with regard to certain stipulations as to the contents of some of the reported tapes.

MR. GREENBERG: With regard to this tape, we agreed to stipulate to the fact that you did say on the tape that you would rather see Shirley dead than see her with Norma Myers.

THE WITNESS: Yes.

MR. GREENBERG: I will enter that as Petitioner's Exhibit No. 11.

(WHEREUPON, Petitioner's Exhibit No. 11, described as a tape recording, was marked and entered into evidence.)

BY MR. GREENBERG:

Q Do you have another tape?

A Yes, sir. On this tape he spends one hour telling her how bad I am for her. How much better off she would be with him, and using the things that gets to her the most. How he will fight to get her baby back for her if she comes to live with him.

Q Okay. Now, Mr. --

MR. DANIELS: Again, we entered into a stipulation.

MR. STRICKLAND: I will not stipulate to that.

MR. DANIELS: He won't stipulate to that.

BY MR. GREENBERG:

Q M's Myers, the part you just made reference to, do you know approximately what part of the tape that would be in?

A Which one, about getting her baby?

Q What you just said with regard to -- you said he spent an hour telling her how bad you were for her.

A The whole thing is an hour tape.

THE COURT: Well, I will let it in subject to objection at this time.

MR. GREENBERG: All right. That is Petitioner's Exhibit 12.

(WHEREUPON, Petitioner's Exhibit No. 12, described as a tape recording, marked and entered into evidence.)

BY MR. GREENBERG:

Q Now, you have -- I am not asking you to read them, but do you have additional letters that you received from Mr. Strickland that were received from Mr. Strickland since that court order?

A Yes. I have one that says --

THE COURT: Well, do I understand that this letter recites about the same things, the same types of conversations, the same scenario?

BY MR. GREENBERG:

Q The question is: Do you have a number of letters?

A Yes, sir.

Q Do you have them with you?

A Yes.

Q How many letters do you have, if you would just count them?

A These are the ones I felt would be important. I have five. There are five of them from him.

Q There are five?

MR. DANIELS: Your Honor, we object to any more of these letters being offered into evidence, as cumulative evidence, unless counsel does show there is something in addition.

THE COURT: I will let them come in. If they are coming in as evidence, they are admissible as to the weight. You can mark them cumulatively. I will allow them into evidence.

MR. GREENBERG: I am offering these cumulatively as Petitioner's Exhibit 13A through E.

(WHEREUPON, Petitioner's Exhibit

13A through 13E, marked and entered into evidence, described as letters from Respondent.)

BY MR. GREENBERG:

Q Do you have any more letters with you?

A Yes.

Q How many more?

A The letters I have with me? One is from -- I have here is from the Director of Social Services saying that Shirley is better off with me.

Q I am not making reference to that. I am making reference to letters from Mr. Strickland.

A I have approximately 50 or 100 with me.

Q You do have another 50 or 100 letters with you? Where are they, in the courtroom?

A Yes, they are back --

Q Over what period of time were these letters received?

A These were received within the year she has been with me.

Q Now, did these letters come directly addressed --

MR. DANIELS: Objection to this testimony. It has to do with things that happened before the court order. We are here strictly on the matter of the court order, and I believe anything else is irrelevant.

MR. GREENBERG: It goes to the continued interference, and it is through those particular letters that M's Myers is making reference to now or before. I am not having her read them.

THE COURT: I will let the testimony come in. What she has in her possession are 50 to 100 letters in a period of over a year.

BY MR. GREENBERG:

Q My question would be: How would these letters be addressed? Would they be addressed to you, or would they have a return address on it?

A Some of them have return addresses on them. Some of them were addressed to Shirley Richards, 7760 Sharewood Drive, Post Office Box 428. Some of them were just addressed Shirley, put in my mailbox. Some were handed to her personally by Mr. Strickland.

Q They came in different kinds of envelopes?

A They came in all kinds of envelopes, anything they happened to be in. Some of them had postmarks on them. Some of them didn't, and yet I got them in my post-box.

Q A lot of them, some of them were hand delivered?

A Yes.

Q A couple of weeks ago, did Shirley receive an unusual phone call with regard to Mr. -- allegedly with regard to Mr. Strickland's health, that he was sick?

A Yes. She received a telephone call from Jen , who is Mr. Strickland's next door neighbor, saying that Mr. Strickland had been taken by ambulance to the hospital. Prior to that time she had received a letter saying that he was on the verge of suicide because of the way she has been treating him, between Shirley and I.

Q As a result of that telephone call, didyou call the post office where Mr. Strickland works?

A Shirley called the post office, yes.

Q And was Mr. Strickland at work that night?

A The first time she called, no. She called back at a later time and they said, "Yes, he did come in late."

Q That was after she learned that he was in the hospital that she called and he was actually at work?

A Right.

Q Now, M's Myers, how long has Shirley been in your foster care now?

A Since June, 1979.

Q How long have you had this particular problem going on with Mr. Strickland?

A Since June, 1979.

Q Will you accept Shirley back in your home -- let me rephrase that.

THE COURT: She is under court order at this time. Is that correct?

MR. GREENBERG: Shirley is under court order. Shirley is committed by the court to the Department of Social Services.

THE COURT: And at the present time Shirley Richards is under your care as a foster parent?

THE WITNESS: She hasn't been since July 26th, when she left my home and went to her sister's.

THE COURT: But as far as the court records are concerned, as far as the technical records of the Department of Social Services, she is still --

MR. GREENBERG: That is correct. As far as the Department of Social Services is concerned, and the Department of Social Services worker is here, if it please the court, if I am wrong, but she is in the care and custody of, as far as the Department of Social Services is concerned, in the physical care and custody of M's Myers.

THE COURT: There has been no order changing that in your department?

THE SOCIAL WORKER: The Juvenile Court order doesn't specify what foster home. That is up to the discretion of the department. The department's plan is to refer her to the -- return her to the foster home.

THE COURT: The Juvenile Court ordered her to be placed in a foster home, and you have placed her in the foster home of M's Myers?

THE SOCIAL WORKER: That is correct.

THE COURT: At the present time you have not changed that?

THE SOCIAL WORKER: She has ran away from the foster home. We are trying to get her to return.

BY MR. GREENBERG:

Q Did Shirley say she would like to return to your home?

A Yes, sir. Shirley called me, approximately one week after she left.

THE COURT: Are you willing to take her back?

THE WITNESS: The only way I am willing to take Shirley back is if Mr. Strickland is out of the picture completely.

THE COURT: In other words, you are willing to take her back if you don't have the chaos and heartache, of having Mr. Strickland interfere with Shirley?

THE WITNESS: Right.

THE COURT: All right. If he is -- well, then, let me put it this way: If he is under continual court order, that he is to have no contact with Shirley, either by telephone or by mail or verbally or non-verbally, he is to have no contact with her, either directly or indirectly or through a third party, in other words if he stays out of your life and Shirley's life, you are agreeable to taking her back?

THE WITNESS: Yes, sir.

THE COURT: Okay.

MR. GREENBERG: Witness over.

MR. DANIELS: At this time I would ask permission to approach the bench with counsel, Mr. greenberg.

(WHEREUPON, there was an off-the-record discussion at the bench.)

CROSS EXAMINATION

BY MR. DANIELS:

Q When was the first time you came in contact with Mr. Strickland?

A The first time was shortly after Shirley came to live with me, when I called Mr. Strickland and I asked him to refrain from sending Shirley any gifts; that any gifts or money, that drugs were too readily available in my neighborhood, and that I wanted to know where my children had the money, how much they had, what they were doing with it. I said that I did not want him coming over and taking her out when I was not home.

Q To the best of your knowledge, did Mr. Strickland ever do anything physically to harm Shirley?

A No.

Q Did you ever have -- ever make any statement to Shirley with regard to Mr. Strickland and his possible intentions towards her?

A After I started receiving some of these letters, yes.

Q What did you tell Shirley?

A I told Shirley, "You can never tell what is going to happen, a man that is 59 years old, that wants to see a 16 year old, there has got to be something wrong there."

Q That was your opinion? That is what you told Shirley?

A Yes.

Q Did you have any other corroborative evidence to prove Mr. Strickland's intentions were other than honorable?

A No, sir.

Q I see. Did you tell Mr. Strickland that you would have him arrested?

A If he came on my property, yes.

Q When was that?

A I don't remember.

Q Did you tell Shirley that she couldn't have anything at all that Mr. Strickland gave her?

A No. If she got a bible, if she got a dollar -- she has got lots of things that he has given her, and I told her that she could not keep anything he has given her since she ran away because I don't believe that a child should run away and get everything they want and then come back home. That is like saying, I am going to have my cake and eat

it, too.

Q With regard to the incident during which Shirley moved out of your home, do you know whether Mr. Strickland actually loaded any of Shirley's possessions in his car?

A I was not at home. I was at work.

Q Did Mr. Strickland threaten you with physical harm?

A He has sent me letters one time or postcards one time, saying somebody was going to get hurt and it wouldn't be him or me. I believe I have that postcard with me. I know I had also sent a copy to the lawyers.

Q Was there any reason why you wouldn't allow Mr. Strickland to be present at the Howard County General Hospital when Shirley's child was born?

A Because Shirley said she did not want him there.

Q Only on her direction?

A Yes, sir.

Q M's Myers, did you ever tell Shirley because Mr. Strickland had written to the government, that you were going to withhold pictures of her baby from her?

A I told Mr. Strickland, I am sorry -- I told Shirley, I had contacted the lawyer. I had told the lawyer about Mr. Strickland's intentions, because any problems he would cause with the adoption of the baby; therefore, the lawyer said he was going to discontinue any contact at all.

He would not supply Shirley with pictures that were promised. If necessary, the parents would have the telephone changed so that nobody could find them.

MR. DANIELS: No further questions.

MR. GREENBERG: Shirley Richards.

THE COURT: Her testimony will be some time?

MR. GREENBERG: It will be very brief.

SHIRLEY RICHARDS,

was called as a witness on behalf of the Petitioner, and after having been first duly sworn according to law, was examined and testified as follows:

THE CLERK: State your full name and address for the record, please.

THE WITNESS: Shirley Richards, 1195 Madison Street.

THE COURT: How old are you?

THE WITNESS: 16.

THE COURT: When were you born?

THE WITNESS: October 14th, 1963.

DIRECT EXAMINATION

BY MR. GREENBERG:

Q You have been sitting here in the courtroom all morning?

A Yes.

Q You have been listening to the testimony given

by M's Myers?

A Yes.

Q And since -- do you remember when we were in court the last time?

A Yes.

Q Since then you have made several telephone calls; you have made a number of telephone calls to Mr. Strickland; is that correct?

A Yes, sir.

Q But he has also made telephone calls and communications to you?

A Yes.

Q Although you did make some of the calls, you did initiate some of the calls, he on the other hand initiated some of the other contacts. Is that correct?

A Uh-huh.

Q Now, you are living with your sister in Annapolis, right now. Is that correct?

A Yes.

Q And you would like to go back with M's Myers. Is that correct?

A Yes.

Q Duri[illegible] the time you have been living with your sister in Annapolis, has Mr. Strickland bought you two television sets? Is that right?

A Yes, he has.

Q And did he buy your sister an automobile?

A Well, my sister was babysitting, and he told her to quit babysitting, and he would get her an automobile.

Q Did he do it?

A He got her one, but he wants it back because he can't pay for it.

Q Did he put a telephone in your sister's house?

A Yes, he did.

Q And did he pay for that telephone?

A Yes, he does.

Q Would you tell us some of the other gifts he has been giving you, or has given you?

A He has bought me a stereo. I got furniture in my bedroom down there.

Q Has he proposed marriage to you?

A He asked me.

Q Why have you been accepting these gifts from Mr. Strickland?

A I don't know. I mean --

Q Have you been using him? In other words, you like the gifts?

A Yes. I told him that.

Q That you only use him?

A I told him that down in Ocean City.

Q Down in Ocean City? He took you to Ocean City during the Labor Day weekend?

A Yes. Me and my friend, Dawn.

Q But he didn't bring you back, did he?

A No.

Q He left you off in Salisbury. Is that right?

A No. The AMA Tours in Salisbury.

Q Is where he left you in Ocean City?

A Yes. In Frontier Town.

Q Why didn't he bring you back?

A Because at the time neither of us wanted to come home.

Q But he took you there, though, did he?

A Yes, sir.

Q Now, why do you use him? Why haveyou been using him?

A I don't know why. I mean, I don't know.

Q Just because you like the gifts?

A I guess. Well, anybody is going to use a guy with money.

Q But other than that, you really don't care for him? You really don't want him to bother you. Is that correct?

A Well, I am starting to care. I did start to care.

Q What do you mean, you are starting to care?

A Just, I don't know.

THE COURT: I don't understand what you mean, that you are starting to care. Do you understand that there has been a court order that he is not to have any contact with you? Do you understand that?

THE WITNESS: Yes.

THE COURT: And do you understand that the only way that M's Myers is agreeable to taking you back, if you want to go back, is that this court order is adhered to. Do you understand that?

THE WITNESS: Yes.

THE COURT: There has to be two people that are going to adhere to the order. I can, or this court could stop Mr. Strickland from seeing you, and if he sees you, this court can put him in jail. Do you understand that?

THE WITNESS: Yes.

THE COURT: At the same time, I am trying to say to you, if you start calling him up, then you are going to get him involved. If you go back with M's Myers, you are not to talk to him or have any contact with him. I don't care whether you use him or do not use him, or whether he has any money or doesn't have any money, you are not going to take anything from him. If anything comes, you are not going to be able to accept it. Do you understand that?

THE WITNESS: Yes.

THE COURT: Also, M's Richards, one of the conditions is that you do not bring into her house things you have gotten since you have left her. Do you understand that?

THE WITNESS: Yes.

THE COURT: You will be willing to abide by those conditions?

THE WITNESS: Yes.

BY MR. GREENBERG:

Q Are you afraid of Mr. Strickland?

A At times, yes.

MR. GREENBERG: That is all.

THE COURT: You may cross examine.

CROSS EXAMINATION

BY MR. DANIELS:

Q Shirley, did you give the letters that have been put into evidence here this morning to M's Myers?

A Yes, I did.

Q Why did you give them to her?

A I have no reason.

Q Did she demand them from you?

A No, she didn't.

Q Did you give them to her willingly?

A Yes.

Q Did you realize when you were calling Mr.

Strickland -- let me backtrack. Did you ever ask him to come out to school to visit with you?

A Yes.

Q And when he got out there, did you ask him to take you and your friend out bowling?

A Yes.

Q And take you out for sodas?

A There was several times he offered to take us out for pizza and stuff.

Q Did you ever ask him to do it?

A Yes.

Q Did you ever ask him to buy you gifts?

A Yes.

Q What did you ask him to buy you?

A When we never asked to buy things. Sometimes when I needed things, I would ask him to buy them for me.

Q So, you asked him to buy these things for you?

A Yes, some of them. Other things he has bought me. Lots of things I didn't ask for.

Q You knew he was under court order, though, not to have contact with you. Did you not?

A Yes.

Q And yet you continued to contact him anyway?

A I didn't contact him first.

Q Did you contact him at all?

A Yes.

Q Did you realize that by contacting him, that you subjected him to possible sanctions by this court?

A I don't understand what you mean.

Q Did you realize by your calling him and having conversations with him, that he would possibly get in trouble because of the court order?

A No, I didn't. Well, Norma told me that afterwards. I think she did.

Q But you called him anyway, knowing what Norma Myers told you?

A Yes.

Q Did he ever call you at Norma Myers' before you left there?

A No.

Q He never did?

A Not that I recall.

Q Okay. Now, you say that he proposed marriage to you. Did he actually say you would live together as man and wife, or did he tell you that he would live as father and daughter if he were to marry you?

A Father and daughter.

Q So, he never said, if you did marry him, you would live together as man and wife?

A No, but --

Q Okay. With regard to Ocean City, did you call him up and ask him to take you to Ocean City?

A Yes.

Q And with regard to him leaving there, isn't it true, that the reason why he left you there is because you and Dawn didn't want to come home and he couldn't find you to bring you home?

A No.

Q What happened?

A We was in Frontier Town, and we wasn't ready to leave right yet, and he did find us, but, you know, he had to go back to Baltimore to go to work.

Q Did you not --

A Yes. We decided that we was going to leave later, 3:00 o'clock.

Q But you knew he had to come back to Baltimore to go to work?

A Yes.

Q You just wanted to stay in Ocean City?

A For a little while.

Q Isn't it true that you tried to avoid him? You and Dawn tried to avoid him prior to this time, that you were hiding from him?

A Yes. He was breathing down my back.

Q In other words, he was trying to -- he was trying

to properly supervise you, and you didn't want to be supervised. Is that correct?

A Not every minute of the time.

Q Isn't it true that Mr. Strickland called Dawn's mother and Dawn called her mother, and asked if they could stay over in Rehoboth Beach?

MR. GREENBERG: Objection to this.

THE COURT: Overruled. I will let her answer. Do you know?

THE WITNESS: Do I know?

THE COURT: Can you answer?

THE WITNESS: I can answer it. She had called her house and talked to Cindy, and said that it was her mother she was talking to.

BY MR. DANIELS:

Q So, in other words, she lied to Mr. Strickland?

A Yeah.

Q Okay. Has Mr. Strickland always advised you, M's Richards, to act in a good and christian way in terms of your actions, in terms of your friends? Has he always advised you to be a good moral person?

A He tells me not to cuss and everything. Yes.

Q He told you that you shouldn't be involved with drugs and alcohol?

A Yes. But --

Q Did he promise to do anything he could to try to get you away from drugs and alcohol; to help you get away from drugs and alcohol?

A Did he promise to help me?

MR. GREENBERG: Objection to this. There is no testimony that she has been involved.

THE COURT: I will sustain the objection.

BY MR. DANIELS:

Q Now, with regard to your moving to Ocean City, did you tell Mr. Strickland that you were not moving to -- moving in with your sister, Nancy Akers; did you tell him when the bulk of your clothing was put in his car, that's where they were going?

A Did I tell him they were going to Nancy's?

Q Right.

A I think so. I think I said I was giving them to Tina.

Q So, in other words, you were using him in that situation to get him to move your possessions down to your sister's so you could then move down there. Is that correct?

A That is correct, but Tina told him when she called me, I was going down my sister's, and he knew I was running away, because Karen went to the store and told him.

Q Isn't it true, that after she did tell him, he didn't want to have anything to do -- more to do, that he

just wanted to leave?

A Yes. But he had my things in the car.

Q But he didn't want those things in there, did he?

A No.

Q And didn't he refuse to let you all put anything else in the car?

A Yes.

Q Do you appreciate what Mr. Strickland has done for you?

THE COURT: I don't know how she can answer that question.

MR. DANIELS: Your Honor, it is a straight-forward question.

THE COURT: Well, if she understands the question, but I think he has done a lot of harm for her. Does she appreciate all the monetary things he has given to her? I don't know. Well, I will let you answer the question.

THE WITNESS: What do you mean? What do I appreciate?

BY MR. DANIELS:

Q Have you shown him any gratitude?

A I don't know. I don't know what he wants me to show him as gratitude.

MR. DANIELS: We have no further questions, Your

Honor.

THE COURT: Any questions?

MR. GREENBERG: Just one.

RE-DIRECT EXAMINATION

BY MR. GREENBERG:

Q You said that you were not -- you didn't contact him first. What do you mean by that? He contacted you first?

A No.

Q After the last order?

A No. My sister. My foster sister called him first.

Q Okay. But did you get a telephone call from his neighbor?

A Yes, I did.

Q Right after the order?

A Yes, but before his neighbor called me, Mr. -- well, my sister then called me. She had -- he had told me that he contacted her a week after the court order, and wanted him to call me. I mean, he wanted her to call me, but she told him that she couldn't get ahold of me.

MR. GREENBERG: Okay. That is all.

THE COURT: All right. Thank you. You may step down. All right. We will take a luncheon recess. We will recess until 2:00 o'clock.

(WHEREUPON, a luncheon recess was

taken, after which the proceedings resumed in open court.)

THE COURT: Mr. Greenberg, call your next witness.

MR. GREENBERG: We are going to rest, Your Honor.

THE COURT: All right. Thank you. Mr. Daniels, you may proceed.

MR. DANIELS: At this time we would call Mr. Alfred Strickland to the stand.

ALFRED M. STRICKLAND,

was called as a witness on behalf of the Respondent, and after having been first duly sworn according to law, was examined and testified as follows:

THE CLERK: Would you state your full name and address for the record, please.

THE WITNESS: Alfred M. Strickland, 4111 The Alameda, Baltimore, Maryland.

DIRECT EXAMINATION

BY MR. DANIELS:

Q You are the respondent in this case. Is that correct?

A Yes.

Q Now, with regard to the petition that was filed by the Office of the City Solicitor --

THE COURT: Let me get some background. How old are you?

THE WITNESS: 59.

THE COURT: Are you married or single?

THE WITNESS: Widower.

THE COURT: Are you employed or self-employed or what?

THE WITNESS: Employed at the Post Office.

THE COURT: What type of employment?

THE WITNESS: Postal Clerk.

THE COURT: Okay. Thank you.

BY MR. DANIELS:

Q Again, Mr. Strickland, with regard to the petition that the Office of the City Solicitor has filed against you, have you had an opportunity to read it?

A Yes. I don't remember exactly the details.

Q Well, you and I discussed it together, did we not?

A Right.

Q Let me direct your attention to the fifth paragraph of that petition, which states that shortly after the issuance of the above mentioned order, the respondent, Alfred Strickland's neighbor called Shirley Richards and advised her he would re-open the case if Shirley did not call him. How would you respond to that allegation?

A Well, I was planning on appealing the case, and I talked to a neighbor. I told her about the injunction

and I couldn't ask anybody, even ask anybody to call Shirley. I said I would like for her to know I am appealing the case. I don't know whether it was in violation of the injunction or not. I hoped she would take a hint, but I didn't ask her to.

And, recently, I was thinking back and I was trying to remember if I asked her about it, and she said, yes. She remembered that, and she tried to call Shirley, and Shirley was out and she forgot about it. Then when she did call, that was, I don't know, because she knows Shirley, and she talked to her every once in awhile on the telephone.

Q And with regard to paragraph six of the petitioner, which states that on numerous occasions after June 2nd, 1980, the respondent, Alfred Strickland, visited with Shirley at her school and had taken her from the school grounds?

A Yes. Shirley always called me first and asked me to come. And the first call afterwards, I wanted to say, I wanted to prove, so they called her in the morning, and I made an excuse to have them come back and --

Q You say them; who are you referring to?

A Shirley and Karen.

Q Who is Karen?

A Karen is Shirley's friend that lives out there, and I had my tape recorder to the telephone so I would have

proof of it.

Q Did you, in fact, record other telephone calls made to you by Shirley?

A Yes.

Q And do you have tapes here in the court today?

A Yes, I do.

Q Made by you?

A Yes.

MR. DANIELS: At this time, Your Honor, we would like to offer in court this stipulation to the effect that Mr. Strickland has a number of tapes of telephone calls from Shirley Richards in which she called him directly without him calling her. The telephone calls number from 10 to 15 and would show that Shirley was on an amicable or had an amicable relationship with Mr. Strickland. Is that correct, Mr. Greenberg?

MR. GREENBERG: I have no objection.

THE WITNESS: She was quite friendly with me. Well, I have tape recordings up until not too long ago. Even down in Annapolis.

BY MR. DANIELS:

Q Okay. But she did ask you to come over and visit her at school?

A Yes, sir.

Q And did she ask you to take her off the school

grounds at the time you took her off of the school grounds?

A I think once, when I asked her, when she called, I asked her if she would like to have pizza.

Q Did you ever take her off of the school grounds during the regular school day?

A Yes. Took her a couple of times over to the Mall, and I took her a --

Q Why did you take her away from school during the course of the school day when she should have been in class?

A Well, maybe I shouldn't have, but I knew from what she told me, she never went places anyway, and wasn't studying.

Q So, you now realize that it wasn't a productive thing to do?

A Anytime Shirley asks me to do anything, I do it.

THE COURT: Do you work days or nights?

THE WITNESS: Nights.

BY MR. DANIELS:

Q Paragraph eight of the petition says that since June 2nd the respondent, Alfred Strickland, has given Shirley money and other gifts. Is that correct?

A Yes. I gave her some money, she and Karen, for spending money.

Q Now, it is reported in paragraph nine of the

petition that on July 16th, 1980, that the respondent, Alfred Strickland and Shirley's sister, Nancy Akers, arrived at Shirley's foster home, packing up all of Shirley's belongings, and left with Shirley going with them. Would you care to tell the court your side?

A Yes, sir. I took Tina Powers out to Welfare in the morning. I think it was around 8:00 o'clock or whatever time she is supposed to be there, and after she finished out, she had to be back, come back sometime later or go to some other place for, I believe, it was food stamps that same day. I had taken Tina Powers down to the Welfare Office in the morning. After she came out, she said she wanted to call Shirley, and so she did, or maybe she told me, I don't know which at first. She said she wanted to go out and see Shirley, but after she called me on the telephone, said that Shirley was going to Annapolis to stay with her sister. That is all she said.

I thought she was moving down there, you know, without any trouble. I took Tina out there. I left her off near the house, about a quarter of a block away. Went back down to the grocery store and that's at the end of the street. I waited there, maybe 20, 25 minutes. Karen came down on the bicycle and told me that I could come pick up Tina. I came back. I parked maybe 100 to 200 feet away from the house in the street, and Tina came out with two green bags. She said,

"These are some things she doesn't want. She gave them to me." She put them in the back of the car. I began to put it together that Shirley was leaving. Maybe she wasn't being allowed to leave. She was running away and that they put that story up for me.

So, I took off, and I went back down to the store and I called up the house. I told them that I wasn't having anything to do with it, and waited down there and they came down to the car a little later, and bringing Tina down, and Shirley's sister wanted to get the summer stuff. I said, "Nothing doing. I am not having any more to do with this. It is bad enough I have had this already." They said that the police were called and that they will be there in five minutes, and I wanted to get out of there. The car was so stuffed, the car was so stuffed you couldn't have gotten anything in there anyway.

Q I see. Now, you saw the letters that the State alleges you sent to M's Myers and to Shirley since June 2nd, this morning, did you not?

A Uh-huh.

Q Explain to the court why you wrote to M's Myers after the court ordered you not to have anything to do with or interfere with Shirley's placement.

A Yes. I didn't have any idea at the time until you told me later that she was improving.

Q Yet you did send letters to Shirley?

A Since she has been down in Annapolis.

Q And what was your reason for sending them, given the court order?

A Well, I didn't realize Shirley wanted the letters, and I had to, -- I had understand that I wasn't to write to them unless she wanted them, and just like, you know, visiting, unless she contacted me and I didn't realize that I couldn't or I would not.

Q At this point, Mr. Strickland, would it be fair to say that you realize that any further association between you and Shirley would be not only detrimental to you, but especially not only detrimental to her, but especially detrimental to you? Do you realize that now?

A Well, it is a long story. If you want to hear the story, I can explain it to you, why it would be detrimental to her. It might be detrimental to me upon thousands and thousands and thousands of dollars in debt because I care about her, and I care about what happens about her.

Q I am certain you will get an opportunity to tell the judge how you feel about her, but I want you to tell the court whether you now realize if you violate the order any further, that it could be --

A Oh! Oh! Oh! I misunderstood you. I thought to me personally. No, the court order, as I understand it,

doesn't prevent me from seeing her, but the initiating of it, like calling her. It was all right for her to call me, and go out and see her.

THE COURT: I think that is the way you interpret the order. I don't interpret the order that way. But --

THE WITNESS: See, I have been calling my lawyer all along, telling him that I told Shirley that I hadn't.

BY MR. DANIELS:

Q Mr. Strickland, I should rephrase the question. If His Honor orders you to not have anything at all further to do with Shirley, either directly or indirectly, through letters, telephone calls, through third parties, in any way at all, do you realize if you do that you will be bound by that order?

A Yes. If he orders that, I will abide by it.

Q You will abide by it?

A Oh, yes. To the best of my knowledge, I was abiding by it before.

Q I see. So, in other words, you are saying it was your misinterpretation of the order that caused you to do the things you did, but you did do them in good faith?

A Right.

Q I believe you would like to tell the judge what your feelings are towards Shirley, so again, if you would briefly.

THE COURT: Let me ask you this: How did you get involved with this?

THE WITNESS: Well, it is strange and unbelievable, but it is true. I read the article about her in the Sunday Sun. She had been mistreated by her parents, been in and out of foster homes. She had shown up at Carolyn Alper's house. Carolyn Alper called Social Services. Time after time after time nobody cared. The woman finally told her, I wish you would stop bothering us. Wouldn't let her enroll in school. Wouldn't let her have her clothes, and I went along for her. But I mean, I mean it sounds unbeliebable, but I read that article. There wasn't anything I would not do for Shirley. I went along for her. I went 80 hours without sleep. I was so worried. I was going out of my mind with two hours of sleep. My son got me together, want and got a psychological evaluation of me. My son got me thrown into Springfield Center for a five day evaluation. A psychiatrist out at Greater Baltimore Medical Center, I had. She might want to be there. She might be there.

THE COURT: Did you know this person?

THE WITNESS: I never even heard of her before. And after I came out, I went looking for her again on Friday night. I love children. I haven't seen them but once since I have read that article.

THE COURT: Do you have any children?

THE WITNESS: I have one son, grown up.

THE COURT: How old is your son?

THE WITNESS: He will be 30 in January.

THE COURT: Does he have any children?

THE WITNESS: No.

THE COURT: So, you have no grandchildren?

THE WITNESS: No. I adopted other people's children. But I said to them, all of a sudden, I found them and I started hitting houses asking if anybody knew.

THE COURT: How long ago was that?

THE WITNESS: The 25th of last May, after I read the article.

THE COURT: May 25th of last year, 1979?

THE WITNESS: 1979. And I had no idea that Carol knew where she was, but I just found them myself without thinking Shirley was over there at night for a party. Sounds unbelievable but it is true. That is the way that I found her. See, I care about Shirley.

THE COURT: Let me ask you this: Are you a wealthy man?

THE WITNESS: No, I am not.

THE COURT: Where are you getting all of this money that you have invested in this, what I consider a very poor investment?

THE WITNESS: I tell you, Shirley is worth it.

There isn't anybody else on earth that cares about her or what happens to her. I know what is going to happen to her when she is 18. She is going to be on welfare, just like her sister is, and she is going to have a real mess of her life.

THE COURT: Don't you understand that you are not helping her by what you are doing? I am not going to get into an argument with you.

THE WITNESS: No, I don't want to argue with you.

THE COURT: Let me ask you this: You have gone through this scenario now. How far did you go in school?

THE WITNESS: 10th grade.

THE COURT: You appear to be an intelligent person.

THE WITNESS: Well, what do you think of that article I am writing on Nemesis?

THE COURT: Well, listen to me. You appear to be an intelligent person.

THE WITNESS: I am.

THE COURT: There is no question I can pass court orders. There is no question that I can send you to jail. There is no question I can do a lot of things, but you are going to have to convince yourself before the court convinces you that what you are doing is an exercise in futility. It is just wrong.

THE WITNESS: Well, it is not wrong. But it has proved to be an exercise in futility.

THE COURT: Don't you realize now after 18 months that you are being used? When I say "being used," I don't mean -- luckily this child is 16 years old. If you are going to give her something or give her anything or nothing, they are going to take it. If they don't, they would be very foolish, but you are not helping her any.

THE WITNESS: I can tell you how she got, how she is, too. When I found Shirley, there was no possible way she could use me. I can tell you this.

THE COURT: But she has used you?

THE WITNESS: Yes, she has. I know it now.

THE COURT: Do you know that she and all her friends are manipulating you?

THE WITNESS: Her sister in particular.

THE COURT: All of them, from what I have heard. Don't you understand that? They are playing with you like you are a puppet on a string.

THE WITNESS: They asked me for money and I gave them some.

THE COURT: Let me ask you the most important question: Don't you realize that by continuing on with this situation, that you are putting yourself in a position where you can end up with nothing but trouble and heartache and

aggravation?

THE WITNESS: I knew that when I read that article. Can I tell you? It is taking time.

THE COURT: I will listen. Go ahead.

THE WITNESS: May I say anytime you love someone, I don't know how much you love, but anytime you love someone, it is -- you are very badly hurt, and I have been hurt time after time. I have been hurt to endurance, to almost amount to suicide. When I read that article, see, I understand about myself. Most people don't understand about themselves, but most people never learned to even understand about themselves, much less about anybody else. I found myself loving Shirl. I was scared to death because I missed her, and she would be hurt again, but she was worth it. So, I could have killed my love for her right then. I was scared, and I have been hurt. I have been hurt time after time. She never knew she was hurting me. She can't understand it either, but she is going to the point of suicide, time after time, by her -- but she didn't really know she was hurting me. She didn't intend to hurt me, but she has. And, see, I knew that there wasn't one person on all of this earth except me that really cared about her and cared about what happened to her, and if there was, she wouldn't be in the position she is in, and that is why I went looking for her. I stood by her, and by time, she threatened me, no matter what she did, and said she hated me,

and in the most violent kind of way, and that killed my love for her completely. I said I was shocked and surprised.

After I had time to think, there is only one thing that could have caused that, the woman's scorn. She has been made to believe everything I was telling her about how much I loved her was a bunch of lies, and she was very badly hurt, and she called me on the telephone, and the money I had given, I was going to get back in court. I said, "Shirley, I hope I never see you again," and I said, "after all of the things I have done for you." She said, "What have you done for me?" I said, "Well, that money I helped with your sister." "That is for my sister, not for me." I know where she got that. She got it from Norma Myers. I found Shirley, and in all of my life, I have never seen but one other person who appreciates something so much. She wasn't appreciating what I had done for her? She is appreciating. She found somebody that cares. I found out later she tried to commit suicide three times before I found her.

The reason she tried to commit suicide was because she knew there wasn't one person on all of this earth that really cared. I know. I sat there at home. I went out of my mind from loneliness. I told my son to come visit me. I almost went out of my mind. I said, "I wish I was dead sometimes." So, he never comes. I told him, "You are not even welcome to my funeral." I haven't seen him since before

last Christmas, except this other time when he called me on the telephone. I have written him before. I told him that I didn't want -- I tore up the letter that time that I wrote to him. I said, "I don't know. You have been no good to me. You don't come when I am alone. You are not going to be able to help me when I am dead." And I said, "As long as I am alive, Shirley is going to have one person who cares about her." You only need one, and I don't have one because of Norma Myers. She has made Shirley hate me, I know.

I understand people, and from the time she has had Shirley, Shirley was afraid to go with me. She always had to have someone, some other person along when she left Norma Myers. She couldn't bear to be with me five minutes. Now she will not go anywhere with me.

About ten days after Shirley got -- went out there, I called Shirley on the telephone and --

THE COURT: You seem to be very upset with your son. Obviously this --

THE WITNESS: I am not worried about my son.

THE COURT: Obviously this situation with Shirley is not going to make you any closer to your son.

THE WITNESS: No. The only person I care on this earth about is Shirley, and there isn't anything that I wouldn't do for her.

THE COURT: All right. Any other questions?

MR. DANIELS: Nothing, Your Honor.

THE WITNESS: Can I finish telling you?

THE COURT: Well, I think I understand it.

THE WITNESS: I want you to understand. See? I called Shirley on the telephone, and I went out to see her. Norma Myers' father was there, and Shirley came to the door. I said, "Let's go out for a hamburger." She said, "I can't go out," and she was in a state of emotional shock.

THE COURT: Let me ask you this: Do you understand that this is a situation that has taken a lot of court time?

THE WITNESS: Yes, I know it has.

THE COURT: This file is this thick. There have been three or four judges involved. Do you understand that Judge Edgar P. Silver of this Bench has passed an order and do you understand that if, in fact, you are in contempt or violation of that order that you can be sent to jail? Do you understand this?

THE WITNESS: Yes, and knowingly, I never knowingly violated it.

THE COURT: Well, I will listen to arguments of counsel, but let me say this to you: That regardless of what happens here, from this point on, I think you ought to know exactly what the situation is. I think you ought to realize that the court has ordered you, and will still continue

to order you to have no contact with Shirley. Do you understand that?

THE WITNESS: To the best of my ability and knowledge, I have, Your Honor.

THE COURT: It would be to your best ability. It will be what you think is knowledge, because either you are going to have to understand what the situation is or you are going to put yourself in jail. I am not going to put you in jail, but you are going to send yourself to jail. When the court order says you are to have no contact, let me explain that to you. I don't want to act as a law school professor, but I am not trying to teach you a law school class. I am trying to tell you how to read an order. If an order says you are to have no contact whatsoever, either directly or indirectly, -- directly means personally, eye to eye, telephone calls. Indirectly means sending it by mail, sending messages by someone or sending word through someone else, sending a gift, money, which I say are direct or indirect. That will encompass everything. I don't want you to call up an agency and have them send her a gift with no card in it. That is just as much in violation as anything else.

THE WITNESS: Yes, I understand.

THE COURT: I don't want you to send a Christmas card with no name on it. Do you follow me?

THE WITNESS: Yes. I understand you.

THE COURT: I mean that you cannot talk to anyone else or have them convey a message. That means no one else can talk to you. If somebody calls and says, "I am calling for Shirley," either hang up the telephone or you are going to be in violation of the order. Do you understand?

THE WITNESS: I am sure that I didn't quite catch that.

THE COURT: If someone were calling you on the telephone to tell you that Shirley said to call, do not discuss that with them, or you are in violation of the order.

THE WITNESS: Discuss what?

THE COURT: Anything about this girl. From this day on, you are to have to understand one thing: She doesn't exist in your life, and you should not exist in her life. I don't know how to make it more simplistic than that.

I mean, you are going to have to go back 18 months and erase the article in the newspaper and just start your life over again from that point. You are going to have to do it.

THE WITNESS: How long does the order last?

THE COURT: The order will last until she is 21. years of age. Then she can do as she pleases. Until then she cannot do as she pleases.

If she doesn't obey the order, she cannot do what she wants, and if she doesn't obey the court's order and

we find this detrimental to her, we will put her some place else, where she cannot see you.

THE WITNESS: Now, I want to say this: This is for Shirley. I told Shirley time after time that anytime -- of course, the court order, that is a no, no -- but I want to say this to Shirley. After the court order, if she ever needs me for anything, she -- all she has to do is let me know.

THE COURT: If she ever needs you and contacts you, don't you respond.

THE WITNESS: After she is 21?

THE COURT: After she is 21, she can do what she wants.

THE WITNESS: But as long as I live, if Shirley ever needs my help, she has got it. All she has to do is ask, but during the court order, of course, she can't.

THE COURT: No problem. All right. But do you understand? I don't think you are looking for trouble. I don't want you to be in trouble.

THE WITNESS: Well, Judge, I am not. If you understood, and I understood --

THE COURT: I am going to have you see somebody over at the Supreme Bench Medical Division.

THE WITNESS: I had an evaluation when this began in the Springfield Center. I came out with flying colors.

Of course, this was before I found Shirley, and it was after I read the article. You check with Dr. -- a young lady at Springfield Center, M's --

THE COURT: All right. But I think -- let me say this to you: I am going to request that you see somebody over at the Supreme Bench Medical Division.

THE WITNESS: Any reason?

THE COURT: I think it is for your best interest.

THE WITNESS: I am a realist. No. From now on, Judge, I am not going to do anything to break the court order. I am going on about my business, and I am not going to forget about Shirley, I mean, but --

THE COURT: Well then, let me say this to you: I am not going to tell you what to do, but I think you ought to discuss with someone who is more knowledgeable than I am. I don't want to discuss anything with you. I am not that knowledgeable in this, but I am going to order you to discuss it with someone; otherwise you are going to be back in trouble.

THE WITNESS: No, I am not.

THE COURT: You don't have to listen to them, but discuss with them.

THE WITNESS: Judge, can I tell you something?

THE COURT: Yes. Go ahead. I will listen.

THE WITNESS: Everybody needs at least one person. That is why I will always be there for Shirley, so that she

knows one person. But from now on, I am -- I told her the other day, but I am going back about my business and I will be here.

THE COURT: Well, let me say this to you: I am going to put in the order that you are to see the Supreme Bench Medical Division.

THE WITNESS: I will appreciate, if you want, Judge, because I don't need it.

THE COURT: I am going to do it. I don't want you to be in contempt of my order.

THE WITNESS: Well, I won't.

THE COURT: All right. Go ahead. Step down. Okay.

THE WITNESS: And could I say something else for Shirley so there won't be hard feelings? Anything she ever did, because I understand.

THE COURT: Okay.

THE WITNESS: I understand about Norma Myers.

THE COURT: Any other testimony?

MR. DANIELS: We will offer a proffer of M's Tina Powers, who is in the courtroom, and if she were to testify, she would state, to the best of her knowledge, she knows both of the parties involved. She knows Shirley Richards and she knows Mr. Strickland. She has seen them interact. She would state that they have always been on good terms

with one another, and, in fact, one time Shirley Richards even evidenced a desire to M's Powers to come live with Mr. Strickland.

THE COURT: Who is Tina Powers?

MR. DANIELS: Will you stand, please?

MS. POWERS: (Complies).

MR. DANIELS: Will you state your full name?

MS. POWERS: Tina Marie Powers.

MR. DANIELS: Are you related to any people involved here?

MS. POWERS: No.

MR. DANIELS: And you are a friend of Shirley's?

MS. POWERS: Yes, I am.

MR. DANIELS: And where do you live?

MS. POWERS: I am a friend of Alfred's, too.

MR. DANIELS: Where do you live?

MS. POWERS: 2713 Overland Avenue.

MR. DANIELS: There is also a Dawn Mesina, who again knows Mr. Strickland. She would testify to the effect that she has known both of them, and that during the time she has known the two of them, they have always been on good terms with one another.

THE COURT: That is the one that went to Ocean City?

MR. DANIELS: That is correct, Your Honor.

THE COURT: Which one is Dawn Mesina?

MR. DANIELS: State your name.

MS. MESINA: Dawn Jeanette Mesina.

THE COURT: Where do you live?

MS. MESINA: 2723 Overland Avenue.

THE COURT: Are you related to M's Powers?

MS. MESINA: She is my sister.

THE COURT: All right. As a matter of courtesy, who is that in the courtroom?

MS. SMITH: Who? Me?

THE COURT: What is your name?

MS. SMITH: Cyndy Smith.

THE COURT: Well, you obviously do have an interest in this case?

MS. SMITH: Oh, I know them, too.

THE COURT: Are you related to any of the people here?

MS. SMITH: No.

MS. MESINA: She is a friend of ours.

THE COURT: Who is the young lady to the right of Shirley?

MS. TROXELL: I am Karen.

MR. GREENBERG: Karen is another foster child of Mrs. Myers, whom I had summoned in, but I decided that her testimony wasn't necessary. That is Karen Troxell, T-r-o-x-e-l-l.

THE COURT: Thank you.

MR. GREENBERG: The lady in the second row is Carla Oliver; she is from the Department of Social Services.

MR. DANIELS: Your Honor, my client wants to add one bit of testimony. We will do it by way of proffer. We would proffer to the court, with regard to the incident during which time he visited Shirley Richards at the hospital, after the birth of her child, that on or before the birth of her child, that he went to see her, and that Norma Myers told him that he would have to leave, and Shirley, at that point, said that she didn't want to see him.

MR. STRICKLAND: No. No. No. I went into there to see Shirley. Norma Myers was there, and I thought Shirley was mad at me. Norma Myers went out and called a security guard and Shirley was mad.

THE COURT: When did M's Richards have the child? What was the date?

MR. STRICKLAND: December 18th.

THE COURT: What is the status of the child?

MR. DANIELS: The child has been placed up for adoption.

THE COURT: The child has been adopted?

SOCIAL WORKER: Yes.

THE COURT: Have the papers been signed?

SOCIAL WORKER: Yes.

THE COURT: Okay. Any other testimony on the part of the respondent?

MR. DANIELS: Your Honor, we would like to offer into evidence as our exhibit, it is a letter from -- a photocopy of a letter from M's Myers to -- from Mr. Strickland to M's Myers dated October 21st, 1979. The relevant of which is paragraph 2.

THE COURT: That will be Respondent's Exhibit 1.

(WHEREUPON, Respondent's Exhibit No. 1, described as letter of 10/21/79, marked and entered into evidence.)

MR. DANIELS: That would be our case.

THE COURT: Anything on the part of the petitioner?

MR. GREENBERG: No.

THE COURT: All right. I will hear from you at this time.

(WHEREUPON, counsel argued the matter before the court.)

* * * * * * * * * * *

HIS HONOR, JUDGE PAUL A. DORF'S ORAL OPINION

THE COURT: All right. For the record, I have listened to the testimony of all of the witnesses in the case this morning. I have spent some time at lunchtime going over the file and reading the file, reading the exhibits that have been introduced, and I have read these exhibits.

Life has a strange scenario. That is why often times the court is burdened with things that should not be before the court. This is one of the cases which probably would have been better off if Mr. Strickland had never read the article in the newspaper.

There is absolutely no question that in Plaintiff's Exhibit No.2, which is the Circuit Court of Baltimore City, Division for Juvenile Services, that Shirley Richards was found to be dependent and a neglected child, was found in need of care and treatment; therefore, was brought within the jurisdiction of this court.

There is no question about the fact, whether Shirley Richards likes it or not, that she is going to be under the jurisdiction of this court until she is 21 years of age, and she has heard the law, she has heard it recited in Title 3,806. I sympathize and I empathize with Shirley Richards. I am sorry that she is put in that position where she is going to have to be under supervision, but she is in that position, and she is in that position for what is considered to be for

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her best interest.

Now, as a result of that, this court took over, and whether she realizes it or not, this court does under the law what must be done under the law, and that is to protect the best interest of the child, and I hate to use the word "child" because a 16 year old is no longer a child in my book, but the law says that we do what is for the best interest of the child or the named individual.

Now, there was no question that it was before the court at one time. I am sure the same basic facts and the same basic scenario of events that took place today were brought forth at that time on June 2nd, when Judge Silver heard this case, and Judge Silver has one of the finest records sitting in the Juvenile Court, and the Domestic Court, of any judge in this State. In fact, he has just been asked to sit back again this term in the Juvenile Court of Baltimore City, trying all the juvenile cases for Baltimore City.

Judge Silver passed an order that Mr. Strickland shall not initiate any visits and communications directly or indirectly with Shirley Richards, the minor child and her foster family.

It is further ordered that Mr. Strickland shall not interfere in any manner whatsoever with the foster care placement of Shirley Richards, the minor child.

The problem with the language is that you can

always take words out of context and say they say something different, but if we look at the order in the sensible approach, we know what the order means. The order means that Shirley Richards is to stay away from Mr. Strickland, and Mr. Strickland is to stay away from Shirley Richards, and the two of them should just leave each other alone as if they don't exist in this world. If you put it in those terms then, no one would have been able to say that they don't understand the order. But obviously, what has taken place, since June 2nd, has been a violation of the order.

Obviously he has communicated directly and indirectly with Shirley Richards, and there is no question that on the testimony that he has interfered with the foster placement of Shirley Richards.

Lord knows why any person wants to be a foster parent. Just as Mr. Strickland feels that he desires to help individuals, I guess the only reason why people are foster parents is because they have the same appeal in that they want to help individuals.

I have raised three children of my own, and have raised four, one who we took under our jurisdiction, and it is a Herculeanjob to raise one child, much less two, three or four, and it is difficulty, if not a horrendous responsibility for someone to raise someone else's child, especially a child that you know you are going to have problems with,

because they come to you as any neglected child, and I can't give any greater accolade to M's Myers and the other people who properly exercise the care as a foster mother or father, and it is incumbent upon this court to give them every aid, and every protection that the court can possibly give them, and they have enough problems, Mr. Strickland, with raising these children without third parties' intervention, and without the problems that you have presented to M's Myers. She is doing what she considers to be best. If you don't think she is doing the job, then it is your responsibility to report her to the Department of Social Services or some other department and let them take care of it, or report them to the court, but there is nothing before this court, there is not one scintilla of evidence before this court to show M's Myers has not been a good and proper foster parent. I feel very sorry for her to be placed in this position, and she has not only had to have the problems of the court order placing her in a position of a foster parent, but problems of added difficulty.

Now, the court can understand some of these actions, of which I saw some of Shirley Richards', the actions of a 16 year old, the actions of a person who at times is selfish, and at times is just acting out the role of a 16 year old. If someone wants to give her something, why should she refuse if that someone wants to give her money or a television

or something else? We all like things in life. If we can get them for nothing, I guess many of us would be very happy to accept them.

Let me tell you something, M's Richards, and listen closely. Listen very closely to me. I have lived a few more years longer than you have. I haven't been a judge all of my life. I have spent 20 years on the other side of the bench. I have spent 7 years as a senator in Annapolis, and I know a little bit about people and human emotions, and you don't get anything in this world for nothing. Sooner or later you pay a price, and sooner or later you get involved in a situation like this and you are going to pay a price. It is going to be a heartache. It is going to be an aggravation. There is going to be other ways, but you are going to pay a price. I think you have to realize that, or if you haven't, one of these days you will realize it.

Mr. Strickland, I don't know why you got involved in this. I will give you the benefit of the doubt, whether it be kneliness or some other purpose or desire to help, but you got involved in a situation, number one, that you should not have gottan involved in. If you did get involved in it, then you should not have reached the point it did. We all have cruel sides in life, but sometimes they are in the wrong direction. You become Don Quiote. It would be a broken sword, broken in windmills, and you are old enough and wise

enough to know that after you got yourself in quicksand, and somebody offered you a hand, to get out of it and youdon't go back into it, because you can only go down deeper and deeper and deeper until there is no hope.

Now, I am not going to get into the evidence, but I have read these letters. These letters no longer reach a situation of a friend to friend relationship or a father to daughter relationship. These letters chronologically show that each one gets you deeper and deeper involved in the situation and only leads to chaos and ruin as far as you are concerned with this 16 year old child, and if you don't realize that by now, then you really do need psychiatric treatment. But I think you do. I think you realize that it can lead you to no place but absolute ruin. It has probably led you to financial chaos at the present time. When counsel says he didn't want to put the court's hands in your pockets, and fine you, you haven't said as much, but I am sure you are deeply in debt because what you have become involved in, but you have become involved in something more than just throwing money into an empty pit. You are getting yourself emotionally involved with her. You should realize it.

You should realize it or somebody should tell you that.

Now, there is no question, based on the evidence, and based on the testimony, that you are in contempt of the

order of June 2nd. To hold you any differently, I would be shirking my duty. I must find you in contempt of the June 2nd order by the many acts that you testified to yourself, and by the many other acts testified to against you.

I don't think I amgoing to accomplish anything by sending you to jail. I have already said that I cannot accomplish anything by fining you. The State doesn't need your money. You need it. M's Richards doesn't need it. I don't know who else needs it more than you do. To put you in jail is not going to stop you from doing this. It is only going to add insult to certain wounds.

I am going to order this: I am going to ask counsel to prepare an order and I will read it over to make sure that it is not an ambiguous one when it is submitted to me. That order should read to the following effect:

That there be no contact whatsoever between Mr. Strickland and M's Richards, or M's Myers. That is number one. That he not directly or indirectly contact by any means of communication, and that there be no contact even in a vicarious way, by a gift being sent anonymously, or by a letter being sent anonymously, or by telephoning just to hear someone's voice over the telephone with no contact. I want none of that.

I cannot be more specific than to say that as of this date Shirley Richards does not exist legally in any

relationship whatsoever with Mr. Strickland.

This goes for Shirley Richards also, because M's Richards, if you persist and percipitate on vour part any overt acts towards Mr. Strickland, and, M's Myers, contact the court -- not the court, but Mr. Greenberg, and advise him that there has been an act on her part directly or indirectly.

I am, therefore, going to refer this to the Junvenile Division, to determine whether or not you are to be placed in any other institution, because at that point I am sure M's Myers is going to wash her hands of you. I think you are lucky to stay where you are.

Now, let me say this to the parties in the courtroom, and I want you all to listen closely because I don't want any of you to become involved in something you are going to get yourselves involved with, any possible actions of this court, and I am advising all of the parties in the courtroom, names have been called out, people that I have talked to, that you are to have no contact between these two people. I can't tell you, M's Powers, or M's Mesina, I cannot tell you two that you cannot talk to Mr. Strickland, because I have no control over that, but you are not going to carry any messages back and forth between these two, because if you do, then you are going to get either or both of them in trouble, and if that is what your aim is, then you are troublemakers. So, I am telling you what thestory is.

Now, as far as Karen is concerned; Karen, you are in the house of your foster parent. I am going to tell you that you are to have no contact as long as you are in that foster home. You are to have no contact with Mr. Strickland. If I find you are having contact, I will refer your case to the Department of Social Services, because I don't see how it is possible for you to have two loyalties. You are going to have to choose between which loyalty you are going to have to adhere to.

If you want to talk to Mr. Strickland, I don't see any reason why M's Myers should have to have you in her care and custody, because then you are breaching a loyalty to her because there is no way M's Myers can have any association with M's Richards if you are going to come between the two of them.

MR. GREENBERG: May it please the court, with due respect to the court, and to Karen, I would like to say that we have had no problem with Karen.

THE COURT: Okay. Fine. Well, then, what I said is not necessary to say. Okay. I don't take it back, but we understand each other.

Okay. Then I think you have shown a great deal of common sense in this situation, because I am sure it hasn't been easy. You have been put in the middle.

MR. GREENBERG: She has actually been helpful.

THE COURT: I compliment you and your actions here. As part of the order, I am going to order Mr. Strickland to contact, or I will contact the Supreme Bench Medical Division and have a conference set up with Mr. Strickland and one of the members of the Supreme Bench Medical Services Division so he can discuss this with them, and so he can have their input, because if, in fact, there is any problems in the future, I will call on the Supreme Bench Medical Division and ask for their recommendation.

All right. Let me see counsel at the bench, please.

(WHEREUPON, there was an off-the-record discussion at the bench.)

THE COURT: As per the bench conference, Mr. Greenberg, you will prepare the order. Mr. Daniels, you will consent to the order as to form and the contents thereof, as I have just covered it in court.

All right. You will set up an appointment for your client with the Supreme Bench Medical Division. I will send the notice over. You have to set up the appointment.

MR. DANIELS: An order will go to the Supreme Bench, and I should contact --

THE COURT: Contact them.

MR. DANIELS: They are not going to contact us?

THE COURT: Mr. Conti will probably contact you.

If he doesn't contact you, contact him because I think time is of the essence.

All right, Mr. Strickland. I think we understand each other. Are you a ball fan? Do you watch the ballgames?

MR. STRICKLAND: No.

THE COURT: If you know enough about it, you have three strikes. All right. Before Judge Silver and before me, that is two of them. The next Judge you go before, you are liable to strike out. Okay?

MR. STRICKLAND: Can I say something back to you? With or without seeing the psychiatrist or whatever, you will never have me back. You don't need that.

THE COURT: I hope so. I don't want to see you again. I prefer to see you under other circumstances. All right. I think everybody understands my order. All right. Thank you, Counsel.

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REPORTER'S CERTIFICATE

I, Robert Gavin Oddo, an Official Court Reporter of the Supreme Bench of Baltimore City, do hereby certify that I stenographically recorded the proceedings in the matter of Baltimore City Department of Social Services v. Alfred M. Strickland, Case No. CCA-59207, in the Circuit Court of Baltimore City, on September 10, 1980.

I further certify that the foregoing pages constitute the official transcript as transcribed under my direction from my stenographic notes in a complete and accurate manner.

In witness whereof, I have hereunto set my hand this 25th day of November, 1980.

R G Oddo

ROBERT GAVIN ODDO,
Official Court Reporter

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